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Works of

Henry Clay

in

Ten Volumes

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The Works of Henry Clay in Ten Volumes

Federal Edition

The Works of

Henry Clay

Comprising His Life, Correspondence and Speeches

Edited by

Calvin Colton, LL.D.

With an Introduction by

Thomas B. Reed

And a History of Tariff Legislation, 1812–1896

by

William McKinley

Ten Volumes

G. P. Putnam's Sons
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The Works of Henry Clay

Volume One

TO THE AMERICAN PEOPLE,

TO WHOSE SERVICE, WELFARE, AND HAPPINESS, THE SUBJECT OF THIS WORK,

HENRY CLAY,

HAS CONSECRATED A LONG LIFE OF TOIL AND SELF-SACRIFICE, OF WHICH THEY ARE COMPETENT WITNESSES, AND WILL BE HONEST JUDGES, THIS PRODUCTION, CONSCIENTIOUSLY COMPOSED, THOUGH NOT CLAIMING TO BE FREE FROM THE IMPERFECTIONS WHICH CHARACTERIZE ALL HUMAN EFFORTS, IS MOST RESPECTFULLY DEDICATED BY THE AUTHOR,

C. COLTON.

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Introduction by Thomas B. Reed

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BY
THOMAS E. O'SHEA

INTRODUCTION

Henry Clay, of Kentucky, was, for more than forty years, the most picturesque and remarkable figure in American politics. That he was refused the highest office in the gift of the people was not perhaps to their credit, but it was very much to their credit that he held such a sway in their councils for so many years.

The review of his life which is presented in the biographical volumes of the work to which these few words are an introduction, was written by one of those devoted friends which it was the not unusual good fortune of Mr. Clay to attach to himself by bonds which increased in strength as years went by, and which were not loosened even by death itself. That a vigorous, strenuous and stormy life should have had a defender so undoubting, and an admirer so sympathetic is unfortunate neither for truth nor for history.

Of the remaining volumes, those which contain his speeches show Mr. Clay as he appeared to the whole world, discussing with frankness, vigor and power every great question which agitated the American Republic from those early days when we were enlarging our boundaries to the southward, and making complete our connections with the Atlantic and the Gulf, to those later days when our Pacific empire, destined sometime to be our greatest, was but just

showing itself faintly against the setting sun; an empire then separated from us by three months of distance, by unpeopled deserts, and hostile and warlike tribes.

These speeches cover a vast range of subjects, all of vital importance to the development of the Republic, and exhibit statesmanship of a rare order, far seeing, full of regard for remote consequences, and yet equally full of a tactful appreciation of the temporary difficulties which barred the way and which had to be removed, because otherwise neither the present nor the future could have enjoyed the advantages of the action proposed.

The speeches of a statesman who is under the inexorable necessity of bringing things to pass, suffer much with the lapse of time. The next generation even, reads them with but little knowledge of the obstacles to be overcome, the temporary prejudices to be removed, and the existing rivalries which introduce upon the scene a purely personal element, the memory of which has almost utterly passed away. It is here that reformers and men of letters have so manifest an advantage. These speakers and writers have so few limitations that they can utter the truths of all time, regardless of the prejudice of the hour, and can present arguments in their full and undiminished strength, leaving the future to understand what the present cannot comprehend. It was said that eloquence was cheap at anti-slavery meetings, and well it might be, for any man, at any time, can to the extent of his ability easily have unlimited power for the present, who is regardless of his yesterday and careless of his to-morrow. It

is far otherwise with a speaker who is dealing with men who not only have their own prejudices, but those also of the people whom they represent, and of the party with which they are connected. He must avoid many arguments which are sound and which would be appreciated in history, and must avoid them because for the time they do not convince. To answer an opponent's argument is one thing; to convince him, quite another. Milton's Defence of the Liberty of Unlicensed Printing, that glorious arsenal of arguments for liberty, which move from premise to conclusion like the march of an army with banners, had no effect on the people to whom it was addressed and preceded by a hundred years the actual freedom of the press. Whatever Clay and men in like position say, must suffer from this element of temporary exigency, the significance and influence of which is lost in the capacious maw of all-devouring time. We cannot by the most careful study find out all the circumstances which made the speaker understate an argument which now seems to have been so guarded as to lose much of its possible force; nor can we know what obstacle caused another argument to stop short of its legitimate and triumphant conclusion. While the student may go very far towards understanding these circumstances and obstacles, yet even to him it is the substitution of imagination for feeling, and his sensations have none of the vividness which comes from truths and arguments which are not for the moment but for all time. The ordinary reader puzzles himself with few of these things, and soon finds his interest relax as he pores over arguments and phrases devoted to facts which are

half forgotten, and to situations which have grown dim because the history of the country has long passed by them and passed by even their consequences. The speeches of Edmund Burke himself, though in their utterance so much of the present was sacrificed for the future, are much more talked of than read, even by men of culture and lovers of literary beauty.

Mr. Clay's speeches suffer from another cause, one which will seem strange until reflection convinces. They suffer from his fame as an orator. Perhaps no man in his day and generation and very few men in any day and generation ever so moved large masses of men. His power, however, was not confined to crowds and tumultuous assemblies. He was even more potent in the House of Representatives, in Courts of Justice, and in the Senate itself, though there surrounded by men second in fame only to himself. The secret of his power was in his wonderful personality, his courage which feared no peril and shrank from no emergency. He seemed to be so entirely equal to all emergencies and so sure of himself, that he made all others sure of his final success. In person he was tall and majestic. His bearing was high and his courtesy was lofty. Respecting himself, he made every other man respect him. His voice had a melody and strength which have never been surpassed. When he spoke he was so absorbed in his subject, so determined that his hearers should go with him, that in his younger days, at least, the whole man spoke vibrant with the emotion which filled his entire being. When you add to this a masterful mind, frankness and a strong character, great reasoning power and an invincible determination, you can form some

idea of his power over audiences in the days when the orator was the great teacher of the multitude and swayed the destinies of a country.

Almost all these personal qualities—except perhaps in one passage which will be specifically referred to—have disappeared from the printed words, and men have sought in vain for the causes of the remarkable results which Mr. Clay produced when the subject, the audience and the occasion called forth his mighty powers. Hence it is a common subject of observation that Mr. Clay's speeches are not equal to his great fame as an orator. This is true. But it was true also in a lesser degree of Demosthenes; Aeschines, his great rival, meant something of the sort when in banishment he said to his pupils who admired the Oration on the Crown: "You should have heard the lion himself." Unfortunately, this notion that the speeches are not equal to the orator's fame, has been carried so far that men commonly think that they are unworthy of his fame. But this is not so. The speeches which are reprinted in the two volumes in this set, are replete, not only with wisdom and sound sense, high statesmanship and great power, but with passages which for beauty of diction cannot be surpassed.

It would far exceed the limits of this introduction to specify the excellences here broadly asserted, because the speeches are so numerous and upon such a great variety of subjects, and cover so large a period of time, that the smallest catalogue of passages to be specially alluded to would be unjustifiable. Moreover, the biography has such ample quotations, which illustrate what has been said, that the catalogue, if attempted, would

be but a reduplication. Only one reference can be permitted, and that is justified by the fact that Mr. Clay himself regarded the passage, to use his own words, as the one "which produced the most electrifying effect of anything I ever uttered." The passage may be found in the second volume of the Biography, page 372, and in the second volume of the Speeches, page 294. The whole speech, which was short and in reply to Mr. Rives, of Virginia, was evidently unpremeditated and is full of very great beauty and power.

Mr. Clay's first speech was very appropriately in defence of Domestic Manufactures. His next was "On the Line of the Perdido," a speech able, strong and closely reasoned, a remarkable effort for a young man of thirty-three and still well worth reading in connection with the speech on the Spanish Treaty, Vol. 5, p. 206, as a reminder of the early history of the Republic and of some strange mistakes we made while we were obtaining our southern bounderies, trading as we did, Texas and many real millions and more contingent millions for Florida alone, and running no little risk of not getting the whole of that. Besides the first speech on Domestic Manufactures there are no less than nine others scattered through the two volumes, all of which deserve to be read by the student of Political Economy and by the statesmen of to-day. That of April 26, 1820, found in the fifth volume, p. 218, is a full and careful resumé of the subject, but it is surpassed by the speech of March 30, 1824, Vol. 5, p. 255, which contains in a remarkable way the germs at least of all the arguments which are presented in behalf of protection to-day. It is somewhat startling to read in a speech delivered

seventy-one years ago an exact description of the condition of this country in the year of our Lord 1896. Hardly a word needs to be changed to make the picture drawn in 1824 pass for the picture of 1896. It shows in a very vivid way how like causes produce like effects. In 1824 this country had the blessings of modified Free Trade as it has to-day. In 1824 Mr. Clay was urging Protection as a remedy for the distress and sorrow which rested upon the country. Fortunately, his eloquent activity was crowned with success; so that he was enabled to furnish in his speech of Feb. 2, 1832, eight years afterwards, a companion picture to that of 1824. The reader will find it in Vol. 5, p. 440, and the reader will also find that he has in the description of the state of the country in 1832 under Protection, a life-like view of the country in 1892, also under Protection. It is not perhaps worth while to point out all the particulars wherein history repeats itself, but it is well to notice that the arguments which Mr. Clay answers arising out of the very prosperity and well filled Treasury echoed down through the years from 1888 to 1892. It seems as if men could never be persuaded in any age of the world to let well enough alone, and were always sinning against light. A careful perusal of the speeches referred to may lead to much practical wisdom.

In the compromise tariff measures of 1833, which were to some extent a yielding to that misbehavior of a minority which was so eloquently rebuked in the speech of 1832, Mr. Clay was at first accused of abandoning the cause of Protection, but in reality he was at that time its savior, as well as at all times its steadfast

friend. At that time he had two foes with whom to contend: General Jackson and Calhoun. It was hard to choose. If Jackson had hung Calhoun and inaugurated civil war the liberties of the country might have been in great danger. They would certainly have been much at Jackson's mercy. If General Jackson had instigated openly, as he probably did secretly, a worse measure than the compromise, then Protection would have been lost. In the volumes of biography and the speeches can be seen a full description of one of the most interesting and dangerous crises in American History.

The history of internal improvements is nowhere better told than in the speeches here recorded. In nothing is the statesmanship of Mr. Clay more clearly shown than in the view he took of the paramount necessity of a system of internal improvements. Even in his early days this country was so vast and so inaccessible that her progress depended upon an increase of means of communication, and while other men were struggling with their own inertia and mistaking it for the Constitution, Clay saw not only the utility but the absolute necessity of straining every power to bind the Union together. He foresaw that in order to forward civilization and to make the country habitable, all methods of communication must be pushed to the full extent of our power. Happily for this country the railroad came in and helped us to solve the problem more speedily than Clay ever dreamed, and realized his hopes by a means he had not foreseen. In light of the present, with the wonderful means of inter-communication to-day before our eyes, it seems passing strange that Mr. Clay should have encountered such opposition to

his scheme of internal improvements. But conservatism was never a stronger force in the world than at the time the experiment of nationality was made by the United States. Local self government and local power then seemed as much of a necessity as if the separate States were separate nations. Hence every suggestion of the extension by the National Government of its usefulness was scrutinized as if it were the proposition of a hostile power. The speech of March 13, 1818, Vol. 5, p. 116, is not only a history of the obstacles thrown in the way of internal improvements by famous men, but is a very striking example of the skill with which Mr. Clay met and overcame great difficulties. Mr. Jefferson had expressed himself against the power to prosecute internal improvements. Mr. Madison by exercising the veto power had placed himself on the same side, and President Monroe had taken with swiftness the opportunity of his message to the fifteenth Congress at its first session, to announce his adoption of Mr. Madison's declared opinion. The fact that all three of these great men acknowledged the need of such a power and advised a constitutional amendment,gave additional force to their combined opinion against the present existence of the power in the National Government. But the speech of Mr. Clay was so cogent, his arguments so strong, and above all so skillfully adjusted to the thoughts of members, that he prevailed by the decisive vote of ninety to seventy-five against all opposition and against the administration which was then in the full strength of its first year.

The question is so thoroughly and finally settled in these days that the great struggle which has to be

made is over the distribution of the sum to be appropriated, and the great danger which has to be looked after, is the liability of exceeding the revenues of the country. Notwithstanding this settlement these speeches on internal improvements are necessary studies for those who are students of history and especially for those interested in the art of persuasive speaking.

Perhaps the most decisive service which Mr. Clay rendered his country was his successful advocacy of the war of 1812. It was of course a grave and serious undertaking for us to attack the great country which was then holding Napoleon at bay. But the fact that she was then thus occupied was our opportunity. We had been treated by Great Britain with an injustice which makes the dullest reader indignant even to this day. But the injustice which we suffered was nothing compared to the insult and indignity which were put upon us. We had reached a point where not only our rights but our self respect demanded decided action.

The speeches in Volume 5, commencing at page 35 and ending with page 73, and the review of the State of the Nation, commencing on page 83 with the introductory notes, explain not only Mr. Clay's share in the determination to make war, but his participation in the settlement of the questions on which peace depended.

His skill as an orator and statesman was amply supplemented by his skill in diplomacy. By the war itself, our warlike fame, except at sea and at the battle of New Orleans, was not much heightened, but

the purposes of the war were all accomplished. After that war we took our real place among nations. Mr. Clay was the most conspicuous figure in this whole transaction, and deserves to be remembered so long as that event remains prominent in the history of the country.

Mr. Clay made five speeches on the subjects involved in the revolt of the South American Colonies against Spain. The emancipation of South America was very dear to his heart, and he advocated it with great vigor and great persistence.

He began his labors in 1817 by a speech on the Bill for enforcing neutrality, in which his sympathies played a larger part than his judgment. In 1820 he had the satisfaction of passing in the House of Representatives a resolution declaring it expedient to provide salaries for ministers to any of the South American governments maintaining their independence of Spain. This resolution, reported to the President in an unusual way by the committee headed by Mr. Clay himself, gave the cause a signal victory. Two years afterwards South American Independence was recognized, so far as the action of the House of Representatives was concerned, with only one dissenting voice.

The same feeling which impelled Mr. Clay to champion the cause of the South American Republics led him to support Mr. Webster's resolution looking to the appointment of an Agent or Commissioner to Greece during the pendency of the Greek Revolution. This he did in the speech printed in Vol. 5, page 246, extracts from which have ever since adorned our school

books and been subjects of declamation in every school house in the country. The combined efforts of Webster and Clay were not able to compel the support of the House, but were undoubtedly of important service in a moral way to the cause of Greek Independence.

On page 181 of the fifth volume begins the speech which was the most fruitful of consequences, both to Mr. Clay and to the country, of any in the two volumes, the speech on the Seminole War. In this speech, certain lawless acts of General Jackson were fully depicted, and the speech itself was the beginning of woes unnumbered. In its train of consequences came the life-long war between the two great men. In point of reason and sound sense Mr. Clay had greatly the advantage, and he entered upon his task from a high sense of duty. But he miscalculated the force of the sentiment which refuses to reason where war is concerned, and only asks which side our country is on, extending to all agents who wear uniform the protection which belongs to the country. Mr. Clay was not the only statesmen who has miscalculated the power of this sentiment. Palmerston's war with China, which had nothing in its origin whereby it could be defended, thrust out of Parliament Cobden and Bright in the zenith of their fame. In this case of the Seminole war the Administration came to the help of General Jackson, and the resolutions were defeated by large majorities. This controversy involved Mr. Calhoun, who, as a member of Monroe's Cabinet, had strongly disapproved of General Jackson's course. In due time, by the kind agency of Mr. Van Buren, General Jackson was

informed of Mr. Calhoun's action in the Cabinet. This was one cause of the readiness of the General afterwards to contemplate the hanging of Mr. Calhoun, when nullification became a probable issue. In the two volumes devoted to speeches there are at least a dozen devoted to General Jackson, only one of which led to a decided victory for Mr. Clay. The victorious speech was the one which begins on page 633 of the fifth volume and concerns our relations with France.

The losing fight which Mr. Clay fought against General Jackson and the system of government which he and his successor had established, was not a losing fight on account of any lack of skill and ability on the part of Mr. Clay. All the elements were against him. He was in advance of the times in which he lived. The times were more suited to the rough and unscrupulous methods of Jackson, whose doctrine of spoils, the evil of which was not then appreciated, was much more agreeable to the people of the United States than a civil system dependent upon merit which had no political origin. After General Jackson had passed off the stage, Mr. Clay and his party, after a victory up to that time entirely unparalleled, fell into the hands of John Tyler and into the bottomless pit of treachery. Hence one may safely say that the greater part of Mr. Clay's life was spent in defeat and with the vanquished. But his courage never failed. He kept on with his work, listening to no discouragements, and up to the very last moment of his life was doing every day the duty of the hour.

This quarrel with Jackson, of which the speech on the Seminole war was the beginning, led to what Mr.

Colton calls the "Great Conspiracy," which darkened the life of Henry Clay for many years,—the charge of "Bargain and Corruption."

In 1824, the Electoral Colleges had cast 99 votes for General Jackson, 84 for Mr. Adams, 41 for Mr. Crawford and 37 for Mr. Clay. Under the Constitution the election was devolved upon the House of Representatives, of which Mr. Clay was a member. Mr. Clay himself could not be a candidate since only the three highest, General Jackson, Mr. Adams and Mr. Crawford could be voted for. Between the General and Mr. Clay the relations had been strained ever since the speech on the Seminole war. Mr. Clay thought General Jackson a dangerous man, and had taken occasion even before he left Kentucky to express his determination to vote for Mr. Adams, should the rumor prove true that Mr. Crawford was, by illness, incapable of performing the duties of the great office for which he was a candidate. Mr. Clay ascertained by a personal visit that this rumor was founded in fact. It was soon discovered that the result of the election in the House would turn upon the votes of Mr. Clay and his friends. He and they were therefore the subjects of very much interested courtesy and expressed esteem. To use Mr. Clay's own words he was "enjoying while alive, the posthumous honors which are usually awarded to the venerated dead." Of course Mr. Clay's intentions and those of his friends in a short time became known, to the disappointment of the Jackson men, whose disappointment was perhaps greater because they really never had any grounds for hope. Then appeared one of those communications

which are of so little consequence in our day, charging anonymously in the columns of a newspaper, "bargain and corruption." Mr. Clay immediately went into print with a card which bristled with injudicious wrath and the charge acquired a dignity which nobody else could have given it. A Mr. Kremer, a member of Congress from Pennsylvania, in response to the card acknowledged himself to be the author of the charge and promised to prove it. When the committee was raised to hear the proof he retired behind his privilege. Anyone who desires to see how a base charge, without either foundation or sense, can be kept alive and flourishing for many years will find most interesting the description of this charge of bargain and corruption to be found in the first volume of this work, wherein are described its origin, revival and survival, a most surprising example of the vigor of a lie well stuck to. Starting with absolutely nothing in the way of proof and accumulating none in its course, it survived the most direct and decided negative ever proven in history. Mr. Clay's own speech in relation to this charge of bargain and corruption will be found in the fifth volume, page 342. At page 300 begins an address to his constituents on the same subject, dated March 26, 1825. Both are well worth reading, if only to see how a base charge against himself can be handled by a great man with dignity and self-respect.

Of Mr. Clay's speeches on the slavery question it is not necessary to speak at length. They are well worth the reading, not only as part of the history of a trying time, but as examples of how difficult is the moderate course which is almost always the path of sense at the

time, but which always seems shortsighted when one has had the advantage of seeing the outcome and can review the whole story. Mr. Clay was himself a Southern man brought up with all the surroundings of a Southern man, and appreciated how thoroughly slavery was interwoven with the fibre of the Southern social and industrial life. But he always felt the wrong and the utterly unjustifiable nature of bondage, and was always hoping for some escape. In order to understand the feelings of a man of that generation, it is very useful to remember how long Abraham Lincoln, whose speech about the house divided against itself was the prophecy of the death of slavery, clung to the idea of compensated abolition. In that he was but following the feelings of a lifetime, feelings which had outlived alike the logic of Mr. Lincoln's speeches, and the logic of events. The idea of colonization took strong hold on Mr. Clay's mind, for he realized more clearly than did we of the North the terrible difficulties of the upward movement of the negro, while he and the white race remained together; difficulties which the negro is now encountering, and which he will finally surmount.

Mr. Clay was undoubtedly wrong in his colonization schemes, but his efforts were born of a true love of liberty and an honest desire to save his country from what seemed to him a fate not to be endured. Meantime wiser than all our wisdom, the march of events has decreed that we shall have the negro grow up side by side with his former master and, what makes his future problem the more difficult, alongside those who never owned slaves. At every step of his improvement

he will be opposed, not because he remains really degraded, but because he is really improving.

In the days when the ancestors of some of us were ceasing to be villeins and serfs and were becoming freemen, they undoubtedly offended the gentlemen most when most they resembled them.

Among the remaining speeches worth examining will be found three on the Public Lands, Volume 5, page 488 and Volume 6, pages 27 and 227, of which the last is perhaps the ablest. Mr. Clay's attention was first turned to public lands by a piece of sharp manœuvering on the part of his enemies. He was Chairman of the Committee on Manufactures in the Senate, and as such had referred to him, against his protests, the whole question of the public lands.

Of course his committee did not have charge of such questions, but it was thought that if this great subject, then much agitated between the old States who formerly owned the lands, and the new States, within the limits of which the lands actually were, could be put upon Mr. Clay, any plan he formulated would be sure to offend one side or the other. Mr. Clay, however, addressed himself to the task and proposed a scheme which did justice to both, and thereupon the Senate referred the question to the Committee of Public Lands, where it ought to have gone in the first instance.

This plan, relating to the Public Lands, he unfolded in the first of the speeches referred to. In the last he devoted himself to a careful discussion of the whole question, occupying the larger part of two days in presenting the views which he entertained. More than two hundred speeches are printed in the two volumes

and these speeches cover a great variety of subjects which will not be particularized. It would not be possible to enumerate them all; or even to allude to them all. In the speech on the Sub-Treasury, Volume 6, pages 123–4, will be found a very sharp and pungent description of Mr. Calhoun, still well worth reading. What has come down to us of the speech at the Harrison Convention of August 17, 1840, makes us regret the limitations of the art of reporting as it existed in those days. Enough has come to us to show that Mr. Clay was on that occasion in much more cheerful and exultant mood than at most periods of his life and was probably at his best.

Mr. Clay was in private life from 1842 to 1849, and made but few speeches. These are noticed in the third volume with liberal extracts from each. Among them will be found his views on the Mexican War, to which he gave utterance at Lexington, Nov. 13, 1847.

Mr. Clay's parliamentary career was resumed in December, 1849.

He had been sent back to the Senate by his old constituents and remained a Senator until he died. The thirty-first Congress, which may almost be said to have witnessed the termination of his long and illustrious career, was the second Congress of General Taylor's presidential term, and was agitated by the premonitory throes of the terrible storm of Civil War which burst upon the country ten years later. Mr. Clay foresaw as a politician the same future which Mr. Lincoln foresaw as a philosopher. Mr. Lincoln knew that there was no escape, because there could be no lasting compromise. Mr. Clay felt that if present

exigencies could be met the future might offer some hope. Accordingly he addressed himself in his old age to the greatest task of his life. The task was in nowise unworthy of him, and its execution occupied his remaining years. What was called the Compromise of 1850 was the work of Henry Clay. It probably ensured a truce for ten years between the North and South. During that truce the country so throve, on account of the great gold discoveries, that it was possible to undergo the dreadful strain of the Civil War and come out not only victorious but prosperous.

Mr. Clay's speeches during this period are very valuable to the student of politics, for they are very frank and open statements of the condition of public sentiment on both sides.

Any review of Mr. Clay's speeches, although as limited as this one necessarily is, would be incomplete without referring the reader to the reply to Mr. Mendenhall, Volume 6, page 385. This reply was made in 1842, in Indiana, to the bearer of a petition to Mr. Clay praying him to emancipate his slaves. It was presented to him before a great multitude and was meant to wreck him on the Scylla or Charybdis of North or South. This great danger was Mr. Clay's great opportunity, and from the time when he took Mr. Mendenhall under his protection against the justly indignant multitude until he dismissed him as Uncle Toby did the fly, not a word was uttered which any man on either side the line could fairly challenge. This was accomplished, not by any concealment or evasion, but by frankness and candor.

The private correspondence reprinted in the fourth

volume of the set contains much which lights up the politics with which Mr. Clay and his party were concerned. It reveals many hidden springs of action and makes us understand the doubts and hesitations which attend all important human determinations, and which never get into history in any other way. The letter of Gallatin on page 30, with that of Crawford, then Minister to France, which follows it on page 33, shows the very great difficulties which the victories of the Allies on the European Continent had placed in the way of our negotiations for the peace which closed the war of 1812, and makes apparent the soundness of the early action of our envoys. So impossible seemed peace, by negotiations, that our Commissioners used all the earlier movements of diplomacy to fire the patriotic hearts of their own countrymen and to consolidate all classes in favor of the vigorous prosecution of the war as the only road to a solid peace. It so happened that in this way they builded better than they knew, and that what seemed likely to make the war more vigorous made peace more accessible.

The letters of Mr. Clay to Brooke, page 114, and to Crawford, page 192, explain why the offer of the Secretaryship of State, under Mr. Adams, was accepted, and with others of the letters printed throw much light upon the charge upon which General Jackson loved to linger. As evidence of Mr. Clay's treatment of unsuitable proposals, the correspondence relating to the letter which was written by Mr. Crawford, page 273, proposing a distribution of offices, can still be read with interest.

Mr. Crawford, it should be said, was in his last days

a paralytic, and although entrusted with an important judicial office, of which he is reputed to have performed the duties satisfactorily, was undoubtedly a mental and physical wreck. Indeed, one phrase in one of the letters intimates as much. Nevertheless, Mr. Clay was evidently troubled by the letter, while he treated it with due disregard and contempt.

The correspondence between Mr. Clay and General Taylor, and that which passed between Mr. Clay and his friends during the election of 1848, are also very interesting. Mr. Clay was then in a position of great personal embarrassment. Besides his own direct interest in the situation, which was not slight, he was in natural antagonism to General Taylor, who represented that sentiment in favor of the rule of successful military chieftains against which Mr. Clay had always sounded the most indignant protest. To have a President whose sole claim to the honor arose from distinguished military service, and whose future action on the field of statesmanship was wholly problematical, was sufficiently galling in itself, but to have him chosen by the Whig Party on a platform of "no party," was something to which none of the great Whig leaders could reconcile themselves, and least of all Mr. Clay.

The correspondence printed in Volume 4, which relates to the Convention of 1848, when General Taylor was nominated, is a revelation of the uncertainties which environ politics and political men. The very politicians, whose letters and urgencies had caused Mr. Clay, then an old man of seventy, to allow his name to be once more presented to a party convention, were almost the first to desert him when they should in

honor have stayed with him to the end. But the epoch which Mr. Clay adorned had about passed away. He was to make one more great effort and do one more great service to the country and then leave to the next generation the final settlement of the great issues. It was not in the infinite purpose that he should be President of the United States. When no human obstacle could have prevented an election, General Harrison received the nomination; when the next opportunity was before him it was not the ingratitude of his party or even its bad judgment which lost him the coveted prize. It was his own indiscretion in the promulgation in new phraseology, of opinions which he had always held and to which the public had become reconciled in the old form but disliked in the new. In a multitude of counsellors there is wisdom, says one of the passages in Scripture; but that must have been in days when none but wise men were permitted to give counsel. In those days of Mr. Clay there were evidently more counsellors than ever before, but hardly more wisdom. Mr. Clay undoubtedly yielded to advice and wrecked himself and his party.

I have thus far endeavored by description alone to give some idea of the contents of these volumes and of their value and importance to the student of American History and of American Politics. Of course the idea conveyed by the somewhat dry list of speeches and letters is entirely inadequate even for the purpose intended. It is not possible without making the introduction a biography to show the value of the work. Fortunately, the career of Henry Clay is known in some degree to all Americans, and that career is what

makes these volumes valuable. Nevertheless, well known as he still is and filling as he used, all mouths with either praise or blame, the details of his life are undergoing that compression which the space which history, ever crowded, can give to any man, however eminent, demands; consequently, few men to-day remember the number and variety of places which he filled, the employments he had and the struggles and conflicts in which he participated, in all of which he was easily chief even if his army was seldom victorious.

His political life began when he was 27, and he died in harness, at 75. Of that long period of forty-eight years only six were passed in private life, if that period can be called private life during which Mr. Clay, who attracted so much friendship as well as so much obloquy from men entirely unknown to him, was a candidate almost victorious for the Presidency of the United States.

At the age of 27, Mr. Clay was elected to the Legislature of Kentucky, a representative in the popular branch. When he was not yet thirty years of age, he was appointed a Senator of the United States for an unexpired term and took his seat and performed the functions of a Senator before he was, under the Constitution of the Country, entitled so to do. Mr. Winthrop tells us that Mr. Clay did not like to have that youthful indiscretion alluded to, and perhaps for that reason some of the orators who paid their tributes to him after his death, left the date of his birth uncertain. In 1807, the next year, he was again chosen to his old place in the Legislature and became Speaker of the House. It

was in this position that he exhibited his skill and leadership against a wild majority, which was determined to suppress all English legal precedents as destructive to liberty. By an amendment, limiting the bill to the period subsequent to the Revolution, he outmanœuvred the schemers and saved to Kentucky jurisprudence the learning of English law books. The next year he encountered both in the Legislature and on the field of honor, Mr. Humphrey Marshall. In the duel both were wounded slightly, and in the debate Mr. Clay was easily victorious.

The next year Mr. Clay was elected for two years to the Senate, where he had an opportunity to champion domestic manufactures and to furnish his opponents for many years afterwards with arguments against the United States Bank. When his Senatorial term expired, he came to the House of Representatives at Washington and was at once chosen Speaker, a distinction never before or since conferred upon a new member under like circumstances. Mr. Clay was 34 years old when he was thus signally honored. In November, 1811, the agitation for war with Great Britain began. To that and to the preparations for war, Mr. Clay devoted himself, speaking on the bill to raise troops and on the bill to increase the navy, and was in every way the life and soul of the War party. The following June, after a controversy with Randolph, he found time in a letter to the *Intelligencer* to lay down the parliamentary law relating to the question of consideration, which has ever since governed the House. The war message which came from Madison in June, 1812, was the result of the urgent

demand of Clay. After war was declared, Clay was offered by the President the chief command of the army, but the position was declined. Of the next House Mr. Clay was chosen Speaker, and in 1814 he resigned that honor to accept the place of Commissioner to negotiate for peace, in conjunction with Albert Gallatin, John Quincy Adams, James A. Bayard and Jonathan Russell. The Commissioners spent five months in discussing the terms of the treaty of peace called the Treaty of Ghent, and while the written result disposed of very few of the disputed questions, the practical result disposed of them all. In 1815 Mr. Clay was elected to Congress again, and was again chosen Speaker by a vote of 87 out of 122, thirteen being the highest vote received by any other candidate. The next year he made a speech in defense of the war, which remains one of the best histories of that important event. This was the year in which occurred a rather famous scene between Clay and Randolph. Mr. Randolph had used language which might have an offensive meaning. Mr. Clay rose and with coolness, but in a determined way, pointed out the language which might have an unpleasant construction, saying that he would reserve what he had to say until an explanation could be made. Mr. Randolph rose and explained. Mr. Clay said the explanation was not satisfactory, whereupon Mr. Randolph disclaimed expressly all intentional offense. It is said that it was a very still House until the scene was over. This year also, the compensation of members was changed and Mr. Clay, for the only time in his life, was forced to canvass for his seat. In March, 1817, he was again chosen Speaker, after having refused both

a Cabinet place and the Mission to Russia. In 1818 he made the speech, which has already been described, on the constitutional power to make Internal Improvements. The next year brought with it the speech on the Seminole war, and in 1820 he spoke for Protection, having been in 1819 again elected Speaker. In 1822 he was nominated for the Presidency by the Legislatures of Kentucky, Louisiana, Missouri and Ohio.

In 1823 he was once more Speaker, chosen over Barbour, by a vote of 139 to 42. When the returns from the Electoral Colleges came in it was found that Jackson had 99, Adams 84, Crawford 41, while Mr. Clay had but 37, and he was by the language of the Constitution not a candidate before the House of Representatives. After the choice of John Quincy Adams as President, Clay became Secretary of State, which office he occupied four years, concluding many commercial treaties and doing much good and lasting work, having among other things had the foresight or statesmanlike instinct to advocate an interoceanic canal. Before he became Secretary of State he had been Speaker from 1811 to 1825 with the exception of less than two years. During one of his speakerships the Previous Question was established. While he was Secretary of State in 1826 the duel with Randolph occurred. At the close of the Adams administration he returned home and shortly afterwards went to New Orleans and up the Mississippi River and was received everywhere with much enthusiasm. In 1831 he was elected Senator and on the 12th of December was nominated for the Presidency at Baltimore. In 1832 came the Nullification Act and the next year the compromise

of Mr. Clay was passed and the country saved from Nullification, or General Jackson, or perhaps both. Afterwards the Eastern cities received Mr. Clay with much honor. In 1833–4 occurred the discussion on the removal of the deposits which was a most remarkable debate. The refusal of the French Chambers in 1834 to pay the indemnity agreed upon in the treaty of 1831 caused President Jackson to propose measures which would have led to war. Mr. Clay's report on the subject was more reasonable. He was unwilling to give up any rights, but thought it wiser to give the French Chambers a chance to settle their internal differences. This judicious course led to peace and satisfactory results.

During the whole period between 1828 and 1836, the warfare between Clay and Jackson went on and was bequeathed by Jackson to his successor, Van Buren, in whose term all the effects of the financial mistakes of the twelve years' administration culminated, producing such deep and invincible unrest that, in 1840, a great wave swept over the country, submerging completely Van Buren and his party. There have been more marked reversals since, but that for a long time was the most notable. A Convention, held at Harrisburg in the last month of 1839, passed by the claims of Mr. Clay, and from motives of expediency chose General William Henry Harrison. Probably any nominee of the Convention would have been elected, and it was always a source of deep regret to the Whigs that they did not nominate their leader, a regret which deepened during the dark days when Mr. Tyler was wresting from them the fruits of the victory which they had fought for so

long and with a courage so steadfast. General Harrison lived but a month, and his successor did all the things which Van Buren would have done. Mr. Clay saw at once that the only salvation of the Whig party lay in immediate separation from Tyler. After this was accomplished, in 1842, he resigned his seat in the Senate and took farewell of public life.

During that year and the next Mr. Clay visited Ohio, Louisiana, Alabama, Mississippi and Tennessee, South Carolina, North Carolina and Virginia, where he was received by great and enthusiastic gatherings of the people. In 1844 he was nominated for the Presidency by the unanimous choice of the Whig party. Everything seemed to portend his election, and, as has already been said, only himself could have prevented it. Probably the defeat of no other man in the history of this country has ever caused one-half the individual sorrow that was caused by the defeat of Henry Clay. Henry Clay and men like him, by the very qualities which excite the love of those who love, excite also the hatred of those who hate. Their strong and overmastering personality makes followers of those whom they subdue, and bitter enemies of those whom they offend.

For four years more Mr. Clay remained without office, having refused in 1847 the Senatorship tendered him by his people, but in 1850 returned to the Senate to advocate and finally to pass the Compromise of 1850.

This simple catalogue of events, out of which have been left almost entirely those things already commented upon, shows in skeleton a career which is without a parallel. From the first moment of Mr. Clay's public life he appeared as a leader. He took his place

naturally at the front, for he was by nature imperious and controlling. Doubtless, some of the very qualities which made him a leader prevented his leadership from being acknowledged by the gift of the great office which in his day passed to Jackson, Van Buren, Harrison and James K. Polk, a list of names of which but one can for a moment be compared with his. Doubtless, also, some of those qualities which made him as an orator matchless for immediate effect, made him at times a dangerous leader. Nevertheless imperious as he was and impatient of all control, there were occasions when he knew the better part of valor and, sacrificing his pride to his country, withdrew from conflicts of his own provoking.

May 16, 1896. Thomas B. Reed

*** I venture to append a list of books, magazine articles, pamphlets, etc., relating to the life of Henry Clay, which is as complete perhaps as could be furnished without very extended research, and may be of help to any one who cares to study the subject further.

T. B. R.

BIBLIOGRAPHY OF HENRY CLAY

Junius Tracts, No. IV. [By Calvin Colton.] 1825.

Henry Clay. Speeches, with a Memoir. Portrait. 8°. Carey & Son, Philadelphia, 1827.

Biography of Henry Clay, by George D. Prentice, Esq., Hartford, Conn., 1831.

The Beauties of the Hon. Henry Clay, to which is added a Biographical and Critical Essay, 16°. New York, 1839.

Henry Clay's Speeches [edited] by Richard Chambers, 8°. Cincinnati, 1842.

Speeches of Henry Clay. With engravings, 2 vols., 8°. Greeley & McElrath, Tribune Building, New York, 1883.

Henry Clay, Life and Speeches. Edited by Daniel Mallory. 2d Edition. 2 vols., 8°. New York, 1843.

Henry Clay, by Junius (Calvin Colton). New York, 1844.

The Ashland Text Book, being a compendium of Mr. Clay's Speeches on various Public Measures [with songs and ancedotes]. 5th Edition. Boston: Redding & Co., 1844.

The Clay Code, or Text Book of Eloquence. A collection of Axioms, Apophthegms, Sentiments and remarkable Passages on Liberty, Government, Political Morality and National Honor, gathered from the public speeches of Henry Clay, by G. Vandenhoff. 16°. New York, 1844.

The Life and Public Services of Henry Clay, by Epes Sargent, New York. 2d Edition. 1844. [There are several editions of this life.]

Eulogy on the Life and Services of Henry Clay, delivered in the Hall of the House of Representatives, October 11, 1852, (Miss.), by Alexander R. M'Clung, Esq. Jackson, 1852.

A Funeral Oration on the Character, Life and Public Services of Henry Clay. Delivered in Cincinnati Nov. 2, 1852, at the request of the Clay Monumental Association of Ohio, by Charles Anderson. Cincinnati, 1852.

Obituary Addresses on the occasion of the death of the Hon. Henry Clay, delivered in the Senate and House of Representatives June 30, 1852, and the funeral sermon of the Rev. C. H. Butler, preached in the Senate July 1, 1852. 8°. Washington, 1852.

Eulogy on the Life and Services of Henry Clay, delivered at

the request of the City Council in Augusta, Georgia, Nov. 4, 1852, by Charles J. Jenkins. Augusta, Georgia, 1853.

Life of Henry Clay, by John Frost. Philadelphia, 1853.

Monument to the Memory of Henry Clay. Cincinnati, 1857.

Report of the Ceremonies on the Fourth of July, 1857, at the Laying of the Corner Stone of a National Monument to be erected near Lexington, Kentucky, in memory of Henry Clay, together with the Oration delivered on the occasion by the Rev. Robert J. Breckinridge, D.D., LL.D. Cincinnati, 1857.

Memoir of Henry Clay, by Robert C. Winthrop. Cambridge, 1880.

Life of Henry Clay, by Carl Schurz. 2 vols. Boston, 1887.

"Kremer and Clay" (Kremer's Pamphlet), Washington, D. C.

Burke, Fox and Pitt compared with Calhoun, Clay and Webster. H. W. Burnap. Miscellaneous Writings, p. 93.

Life and Character of Clay, 46 pp. Speeches and Addresses, p. 410. H. W. Hilliard. N. Y., 1851.

Life of Henry Clay, 8 pp. J. B. Longacre and Herring, National Portrait Gallery, Vol. 1.

D. A. Harsha. Most Eminent Orators and Statesmen, pg. 53.

Sketches of Public Services. Anonymous. New York, 1823.

Some Reasons Why the Vote of New York ought to be given to Henry Clay for President. n. p., 1824.

To the Legislature of New York (In favor of the election of Henry Clay). n. p., 1824.

History of the Case between Jackson and Clay. Anonymous. Baltimore, 1827.

Humphrey Marshall, Prentice's Biography of Henry Clay reviewed. Maysville, 1832.

Joseph Etter. Sketches of United States Senators, etc. Washington, pg. 13, 1839.

J. F. Flournoy. Essay on the Services and Character of Henry Clay. Athens, Georgia, 1840.

S. A. Foote. Speech at Millstone. Somerville, 1844.

National Clay Melodist. Boston, 1844.

O. D. A. Santangelo. Clay or Polk (?). New York, 1844.

S. M. Maury in Statesmen of America. 1847.

Henry Clay and the Administration. A tract for the press. Anonymous. Philadelphia, 1850.

C. E. Lester. Gallery of Illustrious Americans. 1850.

Funeral Sermon on Clay. S. L. Southard. 1852.

Funeral Oration on Clay. E. H. Foster. 1852.

H. Greeley. Homes of American Statesmen. New York, 1858.

J. Parton. Famous Americans. 1867.

The Choice of a Free People: Poem and Song. n. d., n. p.

Cabinet Eloquence, or the Political House that Clay Built. n. d.

Headlands in the Life of Henry Clay. n. p., n. d.

Baldwin's Party Leaders. p. 205.

G. W. Bungay. Off Hand-takings. p. 20.

Duyckinck's National Portrait Gallery. Vol. 2, p. 144.

W. Mathews on Oratory.

C. C. Seymour. Self Made Men. p. 130.

Calhoun, Webster and Clay. J. Nichol. American Literature. p. 114.

Character of Henry Clay. O. Dyer's Great Senators. pg. 218.

Speeches of. United States Literary Gazette, 6:278.

(A. H. Everett). North American Review, 33:351.

(G. H. Colton). American Whig Review, 2:639.

Democratic Review, 7:99.

(V. W. Kingsley). National Quarterly, 25:52.

(J. Parton). North American Review, 102:147.

Clay and Andrew Jackson. Southern Literary Messenger, 19:521-585.

Clay and Anti-Masons. Niles's Register, 41:260.

Clay and Lexington Resolutions. (C. King). American Whig Review, 6:551.

Clay in the Field Again! Democratic Review, 11:205.

Clay and Restrictive System. Democratic Review, 12:302.

First and Second Rate Men. Democratic Review, 15:115.

Clay and Texas Question. (T. Lewis.) American Whig Review, 1:75.

(L. G. Clark.) Harper's Magazine, 5:392.

As an Orator. (W. A. Larned.) New Englander 2:105; (E. A. Parker.) Putnam, 3,493.

At Cincinnati. Niles's Register, 35:43.

Charge of Coalition. American Annual Register, 2:27; Niles's Register, 28:21; 203:32; 315:337; 391; 33:94; 167:223; 34:306; 35:122; 36:106; 141,153; 37,125.

Death of. Democratic Review, 31:142.

Dinner to, at Frederick, Maryland, 1829, Niles's Register, 36:124, at Lexington, 1820, Niles's Register, 18:327; 1825, Niles's Register, 28:267; at Natchez, 1830, Niles's Register, 38:142; at Philadelphia, 1823, Niles's Register, 24:94; at Pittsburg, 1827, Niles's Register, 32:298; at Washington, D. C., 1829, Niles's Register, 36:38; at Washington, Pa., 1825, Niles's Register, 28:243.

Duel with John Randolph. Niles's Register, 30:115.

Journey, 1833. Niles's Register, 45:174.

Last Seven Years of. (D. F. Bacon.) New Englander, 14:543.

Life and Character of. (C. M. Butler.) American Church Review, 5:377.

—— and times of. Dublin University Magazine, 27:325.

Portrait of. American Whig Review, 1:1, 13:383.

—— Analectic Magazine, 15:1.

Private Concerns of. Niles's Register, 34:295.

Private Correspondence of. Living Age, 48:248.

Reflections on the Death of. (W. J. Tuck.) Southern Literary Messenger, 18:470.

Sketch of. With portrait. Eclectic Magazine, 53:253.

Speech at Cincinnati, Aug. 3, 1830. Niles's Register 39:25.

—— at Lewisburg, Pa., 1826. Niles's Register, 31:60.

—— at Lexington, 1821. Niles's Register, 20:301; 1827. Niles's Register, 32:373 ; 1829. Niles's Register, 36:399.

—— On Appointing and Removing Power. Niles's Register, 48:458.

—— on Bank Veto, July 12, 1832. Niles's Register, 42:429.

—— on Maine Boundary, 1832. Niles's Register, 42:399, 459.

—— on Minister to Buenos Ayres. Niles's Register, 14:121.

—— on Public Lands, 1832. Niles's Register, 43:57, 1834. Niles's Register, 46:268.

—— on Removal of Deposits. Niles's Register, 45:349.

—— On Tariff. Jan. 11, 1832. Niles's Register, 41:385 ; Feb. 2, 1832. Niles's Register, 42:2; Feb. 12, 1832. Niles's Register, 43:411.

Henry Clay, Ashland Home of. Century, 11:163.

Clay, a Candidate for the Presidency. (M. J. Lamb.) Magazine of American History, 12:385.

Clay, a few words about (G. Bancroft). Century, 8:479.

Clay Reminiscenes, by his Executor. (J. O. Harrison.) Century, 11:170.

Clay, Speeches of. (C. H. Peck.) Magazine of American History, 16:58.

Henry Clay. (C. Bishop.) Chatauquan, 9:344.

Schurz's Life of Clay. Atlantic Monthly, 60:556 ; Spectator, 60:1426 ; (W. F. Allen). Nation, 44:536 ; (W. H. Smith). Dial, Chicago, 8:55; (D. H. Chamberlain). New Englander, 48:77.

Clay and the Tariff of 1827. Quarterly Journal of Economics, 2:490.

Interviews with Clay, Wm. M. Thackeray and others. (J. W. Watson.) North American Review, 147:588.

Henry Clay as Speaker of the House. (Mary Parker Follett.) New England Magazine, N. S., 6:344.

Henry Clay and John Quincy Adams, were they guilty of bargain and intrigue? (E. E. Hoss.) Methodist Review, 53:598.

Clay and John Randolph of Roanoke, Lippincott, 52:443.

Life and Times of Henry Clay

Part One

THE

LIFE AND TIMES

OF

HENRY CLAY.

CHAPTER I.

Mr. Clay's Early History.—His Birth, Parentage, and Family History.—Death of his Father.—The Widow's Cares.—Schoolmaster and Schoolhouse of the Slashes.—The Mill-Boy of the Slashes.—Second Marriage of Henry Clay's Mother.—Kindness of his Father-in-Law.—His Entrance on a Commercial Apprenticeship at Richmond.—Removal to a Clerkship in a Public Office.—First Impressions of Fellow-Clerks.—Change of their Opinion.—Henry Attracts the Attention of Chancellor Wythe.—Becomes his Amanuensis.—Advantages of this Position.—His Tastes and Intellectual Improvement.—His Fame in the Rhetorical Society.—Purity of his Character.—His Popularity.—Removal of his Mother and Family to Kentucky.—Letter from his Mother.—Basis of his Character.—His Study of the Law.—Admission to Practice.—Removal to Kentucky.

THE MAN who leaves his impress on a great nation, and imparts character to the age in which he lives, not only merits the regard of contemporaries, but will be a study for future generations. That Henry Clay occupies this position in the social state of mankind, by a consideration of the past, and in the prospects of the future, will scarcely be questioned. His name, character, and history are identified with the history of his country; and the student who makes himself acquainted with his life, private, professional, and public, will not be ignorant of the standing and career of the United States of North America as one of the family of nations.

HENRY CLAY was born April 12, 1777, in Hanover County, Virginia, in a neighborhood commonly called the Slashes—a term indicating a district of country that abounds in low, swampy grounds. His father, the Rev. John Clay, also a native of Virginia, and his mother, Elizabeth Hudson, the younger of two

daughters, and only children of George Hudson, of Hanover County, had, by this marriage, eight children, three daughters and five sons, of whom Henry was the seventh, bearing the name of the second son, who had died. The daughters died in early womanhood, two after marriage. George, the eldest child, lived to manhood, and died in Virginia. John, the sixth, removed to New Orleans, and died on the Mississippi. The Rev. Porter Clay, the youngest of the family, was living at Jacksonville, Illinois, in 1844.

The paternal ancestors of Henry Clay were English. Branches of the family are still in the mother country, of which Sir William Clay, bart., and member of the British House of Commons, is supposed to be one. The branch from which Henry Clay descended removed to America some time after the establishment of the colony of Virginia, and settled on the south side of James River. The descendants of the original Virginia stock, numerous and widely dispersed, many of which still reside in Virginia and Kentucky, have branched so extensively that their common origin is scarcely recognized among themselves.

The Hudson family, on the maternal side of Mr. Clay's ancestry, also came from England, about the beginning of the eighteenth century, and settled in Hanover County, Virginia, where they remained till the above named alliance with the Clay family was formed.

Tradition alleges that the Rev. John Clay, the father of Henry, was a man of great vigor of character, of exemplary virtue and manners, and of a nice and high sense of the decorums and proprieties of the social relations—not unlike the son, who has made the world familiar with the name of CLAY. It is also in evidence that the mother of Henry Clay was adorned with eminent female virtues, and that she continued to interest herself in the fortunes of Henry to the last of her good old age. The father died in 1781, bequeathing to his widow little else than an estate of seven children, Henry being then four years old. Obliged by her straitened circumstances to make the most of the ability of her children to help her, Mrs. Clay did not, however, neglect to send them to school. Henry's tuition for the term of about three years was committed to the charge of one PETER DEACON, an Englishman, who came to America under a cloud, receiving occasional remittances from home, while he was employed for several years as the schoolmaster of the "Slashes," in which capacity he did himself credit, except that he would have done

better, if teetotalism had begun in his days and comprehended himself. His schoolhouse was made of a crib of logs, with no floor but the earth, the entrance, serving for door, window, and air, being always open. Under these rather inauspicious advantages Henry Clay was put forward by Peter Deacon in reading, writing, and arithmetic; in the latter, to use Mr. Clay's own words, "as far as practice." Mr. Clay's reminiscences of Peter Deacon do the master much honor, though he says Peter once, in a fit of anger, gave him a magisterial blow, the mark of which he carried a long time.

"The Mill Boy of the Slashes," which has kindled so much sentiment in the bosoms of the American people, the mimicry of which constituted a part of every political pageant of the Whig party in the presidential campaign of 1844, and which will still be poetic when the generation which first felt its power shall have passed away—which, indeed, will never cease to be so while poetry is natural to man—had its foundation in the filial and fraternal duty of Henry Clay, who, after he was big enough, was seen, whenever the meal-barrel was low, going to and fro on the road between his mother's house and Mrs. Darricott's mill on the Pamunkey River, mounted on a bag that was thrown across a pony that was guided by a rope bridle; and thus he became familiarly known, by the people living on the line of his travel, as "The Mill-Boy of the Slashes."

Mrs. Clay, mother of Henry, was married a second time to Captain Henry Watkins, a man not unworthy of her, who seems to have taken a fatherly interest in the family. He was partial to Henry, and doubtless perceived that he was a boy of uncommon promise. In 1791, when Henry was fourteen years of age, he was taken into Mr. Richard Denny's store at Richmond, Va., for the usual functions of boys behind the counter. It does not appear that his education at this time extended further than his graduation at the log schoolhouse under respectable Peter Deacon. It may be presumed, however, from what subsequently appears of the boy's character, that he made the best of his opportunities while Peter was teaching his young ideas how to shoot. But his stepfather was not satisfied with Henry's place in Mr. Denny's store, judging him, very likely, to be worthy of a higher destiny than that of a tradesman. It is remarkable by what slight causes and apparently trivial agencies a man's course of life is determined. Henry Clay would no doubt have made a good merchant, and a respectable citizen of Richmond, or any

other town. But Captain Watkins had an intimate friend, Colonel Thomas Tinsley, member of the Virginia House of Burgesses, whose brother, Peter Tinsley, Esq., was clerk of the High Court of Chancery of Virginia, at Richmond. A desk clerkship in the office of this court was considered a very desirable place for a youth. Nothing was more natural, or more easy, than for Captain Watkins to make interest with his friend, Colonel Tinsley that he might apply to his brother to take Henry into his office. Peter Tinsley replied that there was no opening for the lad. "Never mind," said the colonel, "you must take him;" and so he did.

The account given by Roland Thomas, the senior clerk in this office, of Henry's first entrance among them, is interesting. The first impression of the other clerks was that they were to have a fine butt for ridicule, and that no little fun was in store for them. The boy's face was not over-handsome, whatever might lie under the surface; nor had his manners yet been transformed into the urbanities of Richmond, though he had been in Mr. Denny's store about a year. His mother had dressed him up in a new suit of "Figginy" (Virginia) cloth, cotton and silk mixed, complexion of pepper and salt, with clean linen well starched, and the tail of his coat standing out from his legs at an angle of forty-five degrees, like that of a dragoon. The clerks looked askance at each other, and were not a little amused at the apparently awkward chap who had been thrust in upon them. Thus accoutred, and thus observed, the willing, ambitious, and somewhat proud boy was first put to the desk of copying. It was not long, however, before these laughers at first appearances came in contact with the mind of this newcomer. He had a tongue, and could reply. Luckily for them they had not proceeded to any rudeness, nor given occasion of offense, before their first impressions were supplanted by sentiments of respect. Whatever they said to him he was always ready for, and they soon found that he was more than a match for any one of them. Superior intellect easily acquires its position in any society, whether of boys, youth, or men. Though the youngest clerk, he was not long in gaining the highest place in the regard of his fellows. Besides Henry's assiduous attention to his duties in the office, Mr. Thomas, afterward clerk of Henry County, Kentucky, has been accustomed to speak of his habits out of the office, when in command of his own time, from which it appears that, while the other clerks habitually went out in pursuit of amusement at night, Henry

kept company with his books; that, when they came home, they found him reading, and that they left him reading when they went to bed. This habit, certified to by Mr. Thomas during his life, is a material fact in solving the problem of Mr. Clay's subsequent character and history. The boy of fifteen, and the youth of eighteen, may easily be seen in imagination, as was the fact, at that table, with his book and candle, night after night, the year out and the year in, unseduced and incapable of being seduced by his fellows to the theater or to the billiard room, or to other haunts of dissipation. His fellowship was of another kind, pure, elevated, instructive, hallowed. He communed with the recorded wisdom of ages—of all mankind.

The agency of Captain Watkins, through his friend Colonel Tinsley, in obtaining a place for Henry in Peter Tinsley's office, trivial as it might at first and in itself alone appear, was not more fortunate for the boy than the habitual calls of the venerable Chancellor Wythe, whose occasions led him frequently to Mr. Tinsley's rooms, where young Henry attracted his attention and induced the chancellor to inquire about him. As Henry was in some degree a supernumerary clerk, Mr. Tinsley was easily persuaded to loan a portion of his time to the chancellor, who solicited his services as an amanuensis in recording his decisions, and in other functions of a private secretary. A connection thus accidentally formed continued four years, Henry being nominally in the office of the clerk of the High Court of Chancery, but chiefly employed in the office of the chancellor. It proved to be mutually agreeable and reciprocally beneficial. The chancellor's hand was so affected with a trembling that he could not do his own writing. One of the fruits of this connection between Chancellor Wythe and Henry Clay will be found in a folio volume in the library of the Supreme Court of the United States, at Washington, published at Richmond, Va. It evinces the habit of Chancellor Wythe in tracing law to the most remote sources of antiquity, and some of the notes are extracted from the Roman authorities, in the Latin tongue. As the joint production of these two individuals it cannot but be regarded with interest; and it is not less profound than curious. The chancellor presented this copy to Mr. Jefferson, whose library was purchased by Congress, which lodged the work in this place.

Henry Clay found a father in the chancellor, and the chancellor a youthful scribe and an apt scholar in Henry Clay. It was in this connection that Henry Clay's mind received its high

destination. The chancellor's society and guidance were to him at the same time a school of the classics, of *belles-lettres*, of law, of history, and of every useful department of learning to which the taste and ambition of his young friend were inclined; and the habitual connection between them was as that of father and son, of master and pupil. The stages which led to this relation have been observed, but the relation itself was the platform of Henry Clay's fortunes. It introduced him to a new sphere of thought and improvement. The chancellor not only became attached to him, but, perceiving his uncommon capacities prompted him to aspire to the legal profession, gave him the use of his library, and superintended his reading. For a youth of such slender attainments the tasks of this untried position, in which his ambition prompted him to desire approbation, were somewhat formidable. A good clerk could easily perform the functions of an amanuensis; but technical law phrases, in languages to him unknown, were not easy for a boy to manage who had never seen such words before. But the chancellor knew his little man, had not chosen him for his high attainments, but for his high promise, patiently bore the inconveniences of his imperfect qualifications, and soon began to realize his expectations in the rapid advances of his secretary in the accomplishments of a scholar.

It has commonly been supposed that Mr. Clay's education was not only deficient, but unfortunate. He himself speaks of his "neglected education, improved by his own irregular exertions, without the benefit of systematic instruction." The facts here stated are undoubtedly true; but the supposed defects naturally and usually resulting from imperfect culture are not necessarily implied. On the contrary, it may be true that the very irregularities of Mr. Clay's early education were, in his case, fortunate. For such a self-relying mind, impelled by the necessity of his condition and circumstances, the promptings of his taste, the stimulus of his aspirations, and the guidance he so fortunately met with, were probably better than the best schools of "systematic instruction." Genius does not so much require tuition as scope and opportunity. Put it in possession of one element of science, and all affinities cluster around it by attraction. It catches knowledge as it flies, builds up accretions of thought on every simple idea that comes within its reach, makes one a parent of a thousand others, and runs in quest of all other relations till ascertained.

The advantages which Henry Clay enjoyed under the pedagogue of the "Slashes" was certainly not very great; nor was his year in the store of Mr. Denny very improving. But the moment he entered the office of the clerk of the High Court of Chancery of Virginia he began to find his own element; and from the hour when Chancellor Wythe took him by the hand his fortune was decided, and he was made for life. He required nothing but chance, opportunity, means, books, and the right books; and no man could have made a better guide than he into whose hands he so happily fell. In the choice of an amanuensis the chancellor found a companion, though a stripling. He beheld in this youth the genius of an aspiring, all-grasping mind—a mind which he could not lead, himself before, but only guide and prompt, himself behind. He had only to name a book to his pupil, and the next time he saw him he would find him not only possessed of its contents, but profoundly versed in them, and extending his thoughts far beyond his instructors. The youth did not invoke the keepers of knowledge to let him into their secrets, but he marched straight into their wide domains, as to the possession of his native rights. If anyone would know how and where Henry Clay laid the foundation of his greatness and fame, he is answered in the facts that he was for years the pupil and companion of Chancellor Wythe, with all the advantages of his own aptitudes for improvement, and that the chancellor, discovering the high promise of his *protègé*, was not less ambitious to fit him for his destiny than he himself was to attain to it. Possibly Henry Clay might have done better under the "systematic instruction" of a university; but that is not certain. There may be reasons for supposing that the school he enjoyed was the best possible for his disposition and character, and for the destination of his future life.

It is even possible that without this course of training he would have lived and died unknown to fame. Who ever discovered Mr. Clay's defects of education? The only man who ever dared to taunt him on that account was the Hon. John Randolph, on the floor of Congress, to which Mr. Clay replied: "The gentleman from Virginia was pleased to say that in one point, at least, he coincided with me, in an humble estimate of my grammatical and philological acquisitions. I know my deficiencies. I was born to no proud patrimonial estate. I inherited only infancy, ignorance, and indigence. I feel my defects. But, so far as my situation in early life is concerned, I

may, without presumption, say it was more my misfortune than my fault. But, however, I regret my want of ability to furnish the gentleman with a better specimen of powers of verbal criticism, I will venture to say, it is not greater than the disappointment of this committee as to the strength of his argument." It is easy to conceive that the pure and lofty ambition of a modest but self-relying mind, placed in such circumstances as Henry Clay under Chancellor Wythe, should far outstrip the ordinary attainments of the students of universities, while it escapes the contaminations and other impediments which too often mar the character and prove fatal to the prospects of youth enjoying such advantages. The society of the venerable chancellor, on such a mind as Henry Clay's, at that period of his life, must have been not less hallowing and conservative in its influence on the morals of his pupil than inspiring to his best feelings. The benefits of the private tuition of such a master on such a scholar might, and probably did, far transcend the most select advantages that could have been provided by an ample fortune.

It is apparent, from all that has transpired, directly and indirectly, in relation to this period of Mr. Clay's life, that, in consequence of his good conduct, and of his high intellectual promise, he became a privileged youth soon after he entered Mr. Tinsley's office, enjoying the favor of those whose kindness was most important to him; and it also appears that he became and continued a general favorite in the best society during his residence at Richmond. Mr. Tinsley yielded at once to the request of Chancellor Wythe for the services of his clerk, and continued to grant them for the space of four years, with indefinite extension as to amount, without disturbing the original connection; and at the end of that period, at the instance of the chancellor, Henry was released altogether from his obligations to Mr. Tinsley, that he might be entered as a regular student of law in the office of Attorney-General Brooke, with a view to the license by the court. It is not to be supposed, however, that his intimacy with Chancellor Wythe was suspended by this new arrangement, which was brought about by the chancellor's parental care. Ties originating in such circumstances, and strengthened by such intercourse, are not easily dissolved. At no subsequent period of life has Mr. Clay had any other feelings toward the chancellor than those of a son toward a father; and once, in Congress, having occasion to refer to his authority in a

matter of fact, a parenthesis involuntarily fell in touchingly expressive of his filial regard.

There is one item of Mr. Clay's history at Richmond of a very interesting and practical nature, and especially worthy of notice, as constituting one of his primary impulses to that elevated career through which he has passed, with so much splendor, as an American orator. Ever prone to high aims and lofty pursuits, not less in childhood and youth than in riper years, his example and habitual occupations had been the means of exciting a spirit of mental improvement among his associates; and chiefly through his influence, as is understood, a rhetorical society was formed, composed of young gentlemen of Richmond, for purposes of recitation and debate. Among the names of the members were Edward Burrell, Littleton W. Tazewell, Walter Jones, John C. Herbert, Bennett Taylor, Philip N. Nicholas, Edmund W. Root, Thomas B. Robinson, and others, most of whom have since risen to eminence, and occupied distinguished stations. The existence and reputation of this society constituted an era in the history of the city of Richmond, and Henry Clay was its animating spirit, and the star that gave it luster. Much and various talent was there developed; but it will easily be believed, by those who have witnessed the ascendancy of Henry Clay in the councils of the nation, that he was not less prominent in this first theater that was opened for the development and display of his powers. His example, his success, and the enchantments of his eloquence infused a spirit of young ambition among all the members, and attracted the attention of the whole city. It is natural to suppose that the distinction he acquired in the recitations and debates of this society was generally regarded as the herald of his future fame. It was there he first began to feel and know his own powers. He was leader there, as he ever has been in all other places and stations. The exquisite pleasure a youth must feel occupying such a position, and the dawning hopes clustering and sparkling on his prospects, can be conceived only by those young minds that have found themselves in similar circumstances.

It will have been seen that all the conditions of Henry Clay's early life were eminently favorable to the purity of his character: cradled in the lap of an exemplary clergyman's family; though left fatherless at the age of five years, still watched over by the tender cares of a mother of strong character and great discretion; spending his childhood in the unsophisticated condition of

rural life, and in the discharge of filial duties toward an affectionate parent; earning the fame of "the Mill-Boy of the Slashes" by the universal award of all who observed his little travels; at fourteen established behind the counter at Richmond; at fifteen transformed to the office of the High Court of Chancery; and from that time most intimately associated with the purest minds and the best society. It will also have been observed that his tastes and aspirations were not less favorable to the conservation of the simplicity and purity of his character. No tongue ever sullied his name while a resident of Richmond. The boy who always had a book in hand while other boys played, the youth who was delving after knowledge while other youths were dissipating time in ill-chosen pleasures, could not easily be spoken against. But all this while Henry Clay, by his occupations and good behavior, and by the manifestation of his inclinations, was ingratiating himself in the favor of superior minds, and of persons of high standing. Though he left Richmond while yet a minor, his character and reputation had introduced him to the notice and acquaintance of Edmund Pendleton, Spencer Roane, Bushrod Washington, John Marshall, Wickam, Call, Copeland, and other distinguished men of Virginia, who deemed themselves honored then, as ever since, by the relation. Gentlemen of this class, who were much his seniors, and the members of the rhetorical society, who were his equals, constituted a nucleus of that extended acquaintance and elevated society which grew upon him, and by which he was honored in after life. Henry Clay did not leave Richmond for the great theater of the West with a dubious reputation. Eyes and hearts followed him that knew what to expect; and they were not disappointed.

In 1792 Mr. Clay's mother, with his stepfather, Captain Watkins, removed from Virginia to Woodford County, Kentucky, thirteen miles from Lexington, taking all her family except George and Henry. By Captain Watkins she had seven children, in all fifteen, thus answering to Napoleon's definition of a great woman, given in answer to a question from the celebrated Madame de Staël, who, fishing for a compliment, asked the emperor, "Sire, who is the greatest woman in France?" "She," replied the emperor, "who presents her lord with the greatest number of children."

Mrs. Watkins died in 1827, soon after the date of the following letter, addressed to her son Henry, when Secretary of State,

under the presidency of John Quincy Adams, which was the last intercourse between them:

"WOODFORD, Ky., September 13, 1827.

"MY DEAR SON: Your kind favor of the 14th of August came to hand a few days ago. Rest assured, my son, I feel glad that you have got again to the bosom of your family, and found them all well. I have been a great deal worse than I was when I had the pleasure of seeing you last. I can make out to walk across the room, with the help of a staff or some one's arm. To-day I feel better, having had a good night's rest. My cough is not so bad as it was. Mr. Watkins still enjoys his usual health, and joins in love to Lucretia [Mrs. Clay], and to the rest of the family. Pray write me when convenient. That God may bless you, my son, is the sincere prayer of your mother,

"ELIZABETH WATKINS.

"Mr. HENRY CLAY."

The interest of this letter consists in the fact that it came from the mother of so great a statesman, written while bending over the grave under the weight of four-score years, and evincing, as it does, the habitual correspondence and enduring affection subsisting between them to the last hour of life. She had lived within a few miles of her son Henry's residence for the last thirty years, occasionally enjoying his society, and had seen him rise to the greatest distinction. Mr. Clay has always spoken of her as a model of maternal character and female excellence, and it is said he never met his constituents in Woodford County since her death without some allusion to her, which deeply affected both him and his audience. It is difficult to say which is most complimented, the mother or the son, in the following impromptu sentiment, offered at a Fourth-of-July dinner, 1843, at Campbell Court House, Virginia, by Mr. Robert Hughes: "Henry Clay—he and I were born close to the Slashes of old Hanover. He worked barefooted, and so did I; he went to mill, and so did I; he was good to his mamma, and so was I. I know him like a book, and love him like a brother." The manner of this reminiscence of childhood, from a plain old country gentleman, will be duly appreciated when the occasion, the object, and the subject are considered. It is a link that unites affections more than fifty years asunder in the dates of their existence. It is natural to feel that she must have been a good mother that was loved and so dutifully served by such a boy, and that neither could have been wanting in rare virtues that should be so remembered, after the lapse of half a century, by one who had been separated

from them not less by space than time. The spectacle of that boy, working barefooted for his mother and her orphan children, anticipating the duties of senior members of the family, and keeping his eye on the meal-barrel to see that it fails not, touches all hearts; and when, in riper years, he is seen toiling through a like career for his country, the common mother of a whole people, one is not surprised, though he may be filled with admiration; for the two spheres are kindred to each other. In serving his country he only obeys the instincts and fulfills the high destiny of his filial piety.

After a year's study of the law with Attorney-General Brooke, who had been Governor of the State, Mr. Clay was admitted to practice in 1797 by the Virginia Court of Appeals. That high finish of intellectual character, and those rich treasures of practical information, for which Mr. Clay has always been distinguished, had their foundation, no doubt, in that course of culture and discipline, and in those severe studies and patient researches, into which he was put by Chancellor Wythe, which were followed up under Attorney-General Brooke. The rich fruits, however, were indebted to the soil as well as to the hand that trained them. A mind intent on knowledge, and loving knowledge, not only for its own sake, but for its uses, needs but an index, the key, and the opportunity. It is true that the limits of Mr. Clay's education were somewhat circumscribed as to time; but the aids he enjoyed were of the highest order, the resources abundant, and he was enticed to effort and stimulated to application not less by the seductive kindness of those who took an interest in him than by the strong impulses of his own disposition. Time is a deceptive measure of acquirements in knowledge. It is facility, motive, talent, and help—the charm of the occupation, and the delights of circumstances. In the case of Henry Clay the pupil was a genius, and the master a Mentor. It is rare that young men enter upon professional life with such rich and varied information, and with so fixed a habit of correct observation—Mr. Clay's own deprecatory allusions, here and there, to the disadvantage and inadequacy of his early education to the contrary notwithstanding. Though it is natural to respect such modest pretensions, it is not incumbent on the public to take the unpretending character of superior virtue as the measure of its claims.

It is still remembered by those who knew Henry Clay at Richmond that he became a universal favorite among his superiors

for his respectful deportment and inquiring mind; among equals, because they loved and were proud of him; among children, because of his benevolent attentions; and in general society for the purity of his character, and his excellent and fascinating manners. He left behind him a name to be envied, and the highest expectations of his future eminence. He removed to Lexington, Kentucky, in November, 1797, to establish himself in the profession of the law, being then not quite twenty-one years of age.

His pecuniary circumstances at that time, as might be supposed from his previous history, were anything but comfortable. He was penniless. The following brief and touching review of his early history was given by himself in a speech at Lexington, June 6, 1842, at an entertainment in honor of him by his old friends and neighbors on the occasion of his retirement from public life: "In looking back upon my origin and progress through life I have great reason to be thankful. My father died in 1781, leaving me an infant of too tender years to retain my recollection of his smiles or endearments. My surviving parent removed to this State in 1792, leaving me, a boy of fifteen years of age, in the office of the High Court of Chancery, in the city of Richmond, without guardian, without pecuniary means of support, to steer my course as I might or could. A neglected education was improved by my own irregular exertions without the benefit of systematic instruction. I studied law principally in the office of a lamented friend, the late Governor Brooke, then Attorney-General of Virginia, and also under the auspices of the venerable and lamented Chancellor Wythe, for whom I had acted as amanuensis. I obtained a license to practice the profession from the judges of the Court of Appeals of Virginia, without the favor or countenance of the great or opulent, without the means of paying my weekly board, and in the midst of a bar uncommonly distinguished by eminent members. I remember how comfortable I thought I should be if I could make one hundred pounds, Virginia money, per year, and with what delight I received the first fifteen shillings fee. My hopes were more than realized. I immediately rushed into a successful and lucrative practice."

"Some," says the bard of Avon, "are born great, some achieve greatness, and some have greatness thrust upon them." The first certainly was not the lot of Henry Clay. Neither have his opponents been very eager to thrust greatness upon him, how-

ever they may have contributed to that end. All the distinction he has acquired was achieved—achieved by his own lofty aims and by his single arm. Men are disposed to honor him who, by his own inherent vigor and high aspirations, has successfully encountered obstacles that would dispirit ordinary minds, and who has baffled, in an honorable career, the adverse winds of unhopeful birth and fortunes. In the blood and on the graves of the founders of the American republic, themselves martyrs to freedom, was laid a platform for such endeavors. On this their descendants, though wanting the adventitious aids of a family escutcheon and entailed estates, may build high hopes, and earn an imperishable fame.

Born and cradled in the agonies of the American Revolution, Henry Clay seems to have been destined by Providence to sympathize with its great principles of freedom, and to be the leading champion of human rights for the age in which he has lived. It is natural and not unphilosophical to suppose, more especially as it coincides with their reputed character, that the feelings of his parents, in view of British despotism over the colonies at that period of strife and blood, were imparted to the temperament of a son who has ever shown himself so susceptible of hate to tyrants and so prone to the love of liberty.

CHAPTER II.

Mr. Clay's Domestic Relations.—His Marriage.—His Children.—His Domestic Afflictions.—His Domestic Character.—His Character as a Master, Neighbor, Citizen, and Man of Feeling.—Ashland and its Hospitalities.—Mr. Clay's Estate and Pecuniary Condition.

In April, 1799, about a year and a half after Mr. Clay removed to Kentucky, he married Lucretia Hart, daughter of Colonel Thomas Hart, a gentleman of high standing in Lexington, and famed for his enterprise, public spirit, and hospitality. Another of Colonel Hart's daughters was married to James Brown, Esq., at that time in the practice of law at Lexington, who afterward removed to New Orleans, acquired a large fortune by his profession, was elected to the Senate of the United States, afterward sent as minister to France by Mr. Monroe, and continued under Mr. J. Q. Adams.

Mrs. Clay was born in 1781 at Hagerstown, Maryland, being four years younger than her husband. They have had eleven children, six daughters and five sons, and in 1845 had fifteen grandchildren. Their first child, a daughter, born in 1800, and their ninth, also a daughter, born in 1816, died in infancy. Two other daughters, Lucretia Hart, born in 1809, and Eliza Hart, born in 1813, died at the interesting age of fourteen, both heavy domestic afflictions. The first of these died at Ashland, when both parents were at home, and followed her to the grave. She had been a feeble child, but much beloved, and was more tenderly regarded on account of her frailty. But the circumstances of Eliza's death were peculiarly distressing. She had been a blushing flower, of amiable and buoyant temper, captivating in her ways, and was cherished with much fond hope. With every prospect of life and happiness, she left Ashland with her parents in the spring of 1825, when Mr. Clay was proceeding with his family to his post at Washington as Secretary of State under Mr. Adams. Eliza was taken sick at Cincinnati. After a day or two, however, she was pronounced

able to proceed; but at Lebanon they were arrested by new and alarming symptoms. Mr. Clay was obliged to leave them behind and proceed to Washington, with the news of Eliza's sudden death following after him. This painful intelligence reached him in nine days. "Woes love a train." The next day after this shock the post from the South announced the death of another much loved daughter, Susan Hart, then Mrs. Duralde, of New Orleans, at the age of twenty. Ann Brown Clay, born in 1807, who married Mr. James Erwine, of New Orleans, is represented to have been more like her father than any of the children, in the development of her intellectual, moral, and social qualities. All agree that she was a lady of rare accomplishments and brilliancy, a model of female excellence as a daughter, sister, wife, mother, and friend, admired and loved, adorning society not less than the domestic circle. Her husband had purchased an estate adjoining Ashland as a summer retreat for his family, establishing, when it was occupied, a daily round of intercourse with her father and his family, till death, in 1835, just ten years after the former bereavements, suddenly dissolved the tide so strongly uniting parent and child, husband and wife, and a circle of endeared connections. She expired in the presence of her family, without notice or alarm, or any sign of the approach of death. Her father was at Washington. Senator Porter, of Louisiana, an intimate friend, was with him when he broke the seal of the letter conveying this intelligence. Mr. Clay fainted. No event of his life has ever affected him so deeply, nor has time been able to heal the wound. Mr. Clay kept his room many days after the receipt of this intelligence, and when urgently called out by the demands of public duty, the Senate, aware of the cause of his absence, manifested deep sympathy, when he arose and opened his speech with the following sentence: "Although I feel myself borne down by the severest affliction with which Providence has ever been pleased to visit me, I have thought that my private griefs ought not longer to prevent me from attempting, ill as I feel qualified, to discharge my public duties." Some time after this event he had occasion, while pleading a cause in court at Frankfort, Kentucky, incidentally to use the expression, "the vicissitudes of human life," in allusion to domestic afflictions, when he instantly stopped, overpowered with emotion, and sat down to give vent to his feelings. The court, jury, and all present were utterly unable to account for it, till, being composed, and rising to apologize, he was com-

pelled to disclose the cause. But the apology was worse in its effect than the expression above noticed, and drew along with it the sympathy of the court and the audience. It was some time before he could proceed. He once had daughters. Now he had none. One blooming flower, after another, had been blighted, and last of all the one most cherished.

Theodore Wythe Clay, the eldest son, born in 1802, and named after Chancellor Wythe—the reason of which will be obvious to those who may have read the previous chapter—in consequence of an accidental injury, manifested symptoms of insanity in early manhood, and has been for many years the tenant of an insane retreat, without hope of recovery. Thomas Hart Clay, the second son, born in 1803, preferring the walks of business, has been chiefly occupied in the manufacture of hemp, is married, and has a family. Henry Clay, jr., born in 1811, graduated with high honors at West Point academy, afterward studied law, married, travelled a while in Europe, and is practising law at Louisville, Kentucky. James B. Clay, born in 1817, also married, is practising law at Lexington, as a partner with his father. John M. Clay, the youngest of the family, born in 1821, has also been educated for the legal profession.

Mr. Clay, in all his domestic relations, has sustained, through life, an exemplary and spotless reputation, as a husband, father, and master. During his long public career, himself the observed of all observers, few, away from Lexington and the neighborhood, have ever heard anything of his family, simply because everything there was as it should be. It has been a quiet history, because it has been without fault, and without ostentation. The virtues of Mrs. Clay, as a faithful wife, an affectionate mother, and a kind mistress, have not been altogether unknown. At the head of a great household, her cares, in the absence of her husband, on public duty, so frequent, and often long protracted, have necessarily been habitually extended to interests out of doors, as well as to the customary domain of woman; and no lady was ever better qualified for the peculiar position she has so long occupied. Her dairy, garden, the pleasure grounds of Ashland, all on a large scale, and her green house, were always supervised by her; and the operations of a farm of between five and six hundred acres, were not less constantly somewhat under her care. The feeding and clothing of all the men and women on the farm and in the house, being

some fifty or sixty in all, also required her attention, together with caring for the sick. Not a gallon of milk, nor a pound of butter, nor any of the garden vegetables, went to market, without her personal supervision; and the extent of these duties may be partly imagined from the fact, that the Phœnix hotel, in Lexington, is supplied with thirty gallons of milk per day from Ashland in the summer, and twenty in winter. Mrs. Clay is the first up in the morning, and the last to bed at night. When General Bertrand was a guest at Ashland, he was much astonished at the extent and variety of duties discharged by Mrs. Clay, and at the activity and system with which they were accomplished. The servants, in doors and out, male and female, cared for in health and in sickness, in infancy and in old age, well housed, well clad, well fed, exempt from the anxieties of life, and always treated with indulgence, would never have known they were in a state of bondage, if they had not been told. Aaron, an old body servant of Mr. Clay, having been emancipated, would frequently return to Ashland for the supply of his wants, and has been known to complain, on these occasions, that he was not so well clothed as the REST of the servants! Charles, Aaron's son, who succeeded his father as body servant, has also been emancipated, but prefers staying at Ashland, to perform the same duties, on wages. When Charles went to Canada with Mr. Clay, great efforts were made to get him away from his master, till Charles, to put an end to these good counsels, told his advisers, that he would not leave Mr. Clay for all Canada. When Mr. Clay himself has been favored with the advice of these benevolent persons, while travelling in the free states, with his friend Charles, as he usually calls him, he has sometimes replied: "There is Charles. You may have him, if you can get him." The mother of Charles, who had nursed all Mr. Clay's children, was previously emancipated. Mr. Clay's position and views on the subject of slavery, claim a more extended notice, than would be suitable here, and are therefore reserved for another place.

In respect to Mr. Clay's character as a NEIGHBOR and a CITIZEN, they can best speak among whom he has had his domicil for nearly half a century. It is certainly remarkable, that in these particulars his political opponents have never been able to say aught against him. It is in these relations that men's faults are first seen. The nearer men approach to Ashland, the brighter

does the character of its illustrious proprietor shine. It is in Kentucky that people know how to honor him; it is in Fayette county that they regard him as a patriarch of pure fame; it is in Lexington that men never dare to offer him offence; it is within sight of Ashland that all uncover in his presence, and youth and children look up to him with veneration and love. He captivated the public mind, when he first came among them, by the qualities of his heart, by his manners, and by the fascinations of his eloquence, and has held it under an unbroken charm, by the continued display of those virtues and powers which first installed him in their affections. Old men and young, matrons and maidens, girls and boys, all feel the power of his character and name. They know him, though he can not know them, and it is only accident that occasionally develops the extent of their regard. Some few days after the result of the presidential election of 1844 was known, Mr. Clay met a woman on horseback, as he was walking in the public road near Ashland, who stopped to salute him, but immediately burst into tears. "Madam," inquired Mr. Clay, "pray, what is the matter?"—"Sir," said she, in broken accents, "you do not know me, but my father, once your neighbor, always taught me to revere you. I have lost my father, my husband, and my children, and passed through other painful trials; but all of them together have not given me so much sorrow as the late disappointment of your friends."

In all political contests in which Mr. Clay was personally before the people, he never failed to receive a decided and overwhelming majority, in Lexington, in Fayette county, in his own congressional district, and in the state; and the nearer home, the greater the majority. It was never so great, when he was a candidate, as in the presidential election of 1844. This reciprocal regard is well illustrated in the following passage from his valedictory to the senate of the United States, delivered March 31, 1842:—

"Everywhere, throughout the extent of this great continent, I have cordial, warm-hearted, and devoted friends, who have known me, and justly appreciated my motives. To them, if language were susceptible of fully expressing my acknowledgments, I would now offer them, as all the return I can now make for their genuine, disinterested, and persevering fidelity, and devoted attachment. But, if I fail in suitable language to express my gratitude to them, for all the kindness they have shown me, WHAT shall I say, what CAN I say, at all commensurate with those feelings of gratitude which I owe to the state whose humble representative and servar

I have been in this chamber? [Here Mr. Clay's feelings appeared to overpower him, and he proceeded with deep sensibility and difficult utterance.] I emigrated from the state of Virginia to the state of Kentucky, now nearly forty-five years ago. I went as an orphan, who had not yet attained the age of majority, who had never recognised a father's smile, nor felt his caresses—poor, penniless, without the favor of the great, with an imperfect and inadequate education, limited to the ordinary business and common pursuits of life. But scarce had I set my foot upon her generous soil, when I was seized and embraced with parental fondness, caressed as though I had been a favorite child, and patronised with liberal and unbounded munificence. From that period, the highest honors of the state have been freely bestowed upon me; and afterward, in the darkest hour of calumny and detraction, when I seemed to be forsaken by all the rest of the world, she threw her broad and impenetrable shield around me, and, bearing me up aloft in her courageous arms, REPELLED the poisoned shafts that were aimed at my destruction, and vindicated my good name from every false and unfounded aspersion. I return with indescribable pleasure, to linger a while longer, and mingle with the warm-hearted and whole-souled people of that state; and, when the last scene shall for ever close upon me, I hope that my earthly remains will be laid under her green sod with those of her gallant and patriotic sons."

The long-standing relation of Mr. Clay to the people of Kentucky, as here described, was so well known; the position which he occupied at the moment, was so peculiar; his own feelings and those of his audience, were so completely masters of the occasion, that no one could witness the retirement of such a patriarch from public connexions of so responsible, high, and momentous a character, which had run through two generations of a people who had been served by him, in such an uninterrupted course, and with such fidelity, ability, and success, without feeling that a great and strong tie, such as is rarely formed in the social state, was being dissolved; and the recognition of his obligations to those who had sustained him in all his career, when in truth the obligations were on the other side, was not the least brilliant, or least touching feature of the spectacle. The commonwealth of Kentucky stood forth on this occasion personified in the senate-chamber of the Union, and was seen enacting the chivalrous part ascribed to her by her adopted and favorite son—"bearing him aloft in her courageous arms." It is not uncommon in history, to find the most faithful and the purest men deserted by the people whom they had

served. But, to the honor of Kentucky be it said, she never deserted Henry Clay.

On the 5th of December, 1844, the electoral college of Kentucky, after having the day previous cast their suffrages for Henry Clay as president of the United States, accompanied by the governor of the state, paid their respects in a body to Mr. Clay, at Ashland, without notice, except by a message sent up in the morning. Numerous citizens from Lexington formed in the procession, which was escorted from the city by a company of artillery, suddenly mustered as volunteers for the occasion. Mr. Clay met them, uncovered, on the steps of his mansion, as they, being also uncovered, drew up to exchange salutations. It was not to congratulate him, nor to mingle rejoicings in the triumphs of right, or in the happy prospects of the country; but to show the steadfastness of their regard, and their respect for his character. They wept—how could they help it?—as the Hon. J. R. Underwood, their organ, gave utterance to their sentiments, the conclusion of which was as follows:—

"In the shades of Ashland, may you long continue to enjoy peace, quiet, and the possession of those great faculties which rendered you the admiration of your friends, and the benefactor of your country. And when, at last, death shall demand its victim, while Kentucky will contain your ashes, rest assured, that old and faithful friends, those who, knowing you longest, loved you best, will cherish your memory, and defend your reputation."

That it should have been a struggle, even for Mr. Clay, to reply to this address, may well be imagined. With a manly spirit, however, though not without faltering, he enacted his part. It was chiefly a neighborhood and commonwealth feeling which imparted to this occasion its touching peculiarity, though it could not be viewed altogether apart from its more extended relations.

As a MAN OF FEELING, many are the incidents and occasions, in the history of Mr. Clay's life, which illustrate this part of his character. His profound and lasting sensibilities, touching his domestic afflictions, already noticed, are evidences to this point. His daughters were his idols, and when violently separated from them by the rude hand of death, his affections were only strengthened, to suffer without consolation. Who ever heard Mr. Clay speak of his family, or of any of its members, but with respect and tenderness?—or of a servant, but with kindness?—or of a friend,

but with feelings of which that friend would be proud? Who ever heard a servant of his speak ill of him, or complain? or a neighbor say, he had found him unkind?

General La Fayette had become sufficiently acquainted with Mr. Clay, to know how much he valued a sympathizing friend, whether in the joys or sorrows of life, and when he heard through Mr. Brown, the American minister at Paris, of the death of Mrs. Duralde, whom he had known, he addressed Mr. Clay a letter of condolence, of which the following is an extract:—

"Although no direct information from you, my friend, has confirmed the fatal report communicated to me for the first time by Mr. Brown and your sister, I but too well know I have again to sympathize with you in a most heavy calamity. I have also to mourn for myself. It was impossible to have formed an acquaintance with the most valuable daughter you have lost, to have been favored with her friendly welcome and affectionate attention, without feeling a deep and lively personal regret. I condole most tenderly and mournfully with you, with Mrs. Clay, and the whole family, so cruelly visited of late, and want words to express what I feel on the lamentable occasion. I have no heart to talk to you on other matters. You can not write to a more sympathizing friend."

Notes of this kind, written in the unreserved confidence of private friendship, often bring out features of character on both sides, which do not appear so striking in the more public transactions of life. The following extract from a letter to Mr. Clay, written in London, November 27, 1844, on the result of the presidential election, will be seen to be from one who was connected with the American mission at Ghent. It was in the capacity of a secretary:—

"My heart is sad. I am weeping, as we both did, when comparatively young men, on the 24th December, 1814, the day we signed the peace of Ghent. You threw your arms around my neck, in bidding me adieu, seeing how sad I was, and exclaimed, 'What is the matter with you, my friend? You seem to be unhappy.' I loved you, my excellent and kind-hearted friend, for the kindness and tenderness of your conduct. You embraced me; you wept like a child. You thought of your country. Your heart was full of the pride, and pleasure, and comfort of having achieved peace."

It is by such accidents, and in such forms, that the heart of man is laid open to the eye. None who know the strength of Mr.

Clay's mind, will pretend that these bursts of feeling, which have not been rare in the progress of his life, on occasions naturally touching, are anything other than the result of the action of corresponding moral qualities of a vigorous and sensitive kind. A feeling heart, nicely susceptible to the sympathies of a common humanity, will alone account for the facts. Such a character is quickly and easily affected, in view of any of the diversified forms of human enjoyment or suffering, of prosperity or adversity, as well as by its own participation therein. Mr. Clay has ever shown himself capable of a lively sympathy for persons in distress, in all the varieties of misfortune, mental, physical, social, or political. This character is displayed, according to the nature of the occasion. Many have been the instances, when Mr. Clay has volunteered his services, in the legal profession, in behalf of persons held in bondage, who in his opinion were entitled to their freedom, and obtained it for them; and of others, whose actual freedom was endangered by illegal claims, to rescue them from impending slavery. It was always a principle with Mr. Clay, that no person, whom he could serve, should want a professional advocate, because of poverty. The cases of needy widows and orphans, requiring such aid, he would seek, not satisfied with helping those whose misfortunes happened to come to his knowledge; and he would never take a fee from a family connexion. He once found a poor Irishman, one Russell, who had been terribly whipped (lynched) by the Kentucky "Regulators," so called, being gangs of men in the backwoods, endeavoring to keep beyond the reach of law, *regulating* their own affairs, in primary assemblies, without a written code. Russell had the misfortune to live in the vicinity of one of these haunts, and gave some offence, in his efforts to check their lawlessness. Their modes of revenge compelled him to abandon his place, and sacrifice his property. Mr. Clay, after hearing Russell's story, and learning that his wife and family were witnesses, at the hazard of his own safety, not to say of his life, volunteered his services, obtained exemplary damages for Russell, and broke up the gang.

In Mr. Clay's various positions as a public man, his sympath has never failed to appear on occasions naturally exciting it. Th distress of the country has always been his own. Take, for example, his two short speeches in the senate, of March 7 and 14, 1834, on presenting some of those petitions, which poured in from all parts of the country, on account of the distress occasioned by the removal of the public deposites:--

"No one," said Mr. Clay, "who has not a heart of steel, can listen to them, without feeling the deepest sympathy for the privations and sufferings unnecessarily brought upon the laboring classes .... It is with subdued feelings of the profoundest humility and mortification, that I am compelled to say, that, constituted as Congress now is, no relief will be afforded by it, unless its members shall be enlightened and instructed by the people themselves. ... In twenty-four hours, the executive branch could adopt a measure, which would afford an efficacious and substantial remedy."

Mr. Clay then addressed the vice-president (Mr. Van Buren), in the chair, in terms of supplication: "To you, then, sir, in no unfriendly spirit, but with feelings softened and subdued by the deep distress, which pervades every class of our countrymen, I make the appeal. By your official and personal relations with the president [General Jackson], you maintain with him an intercourse, which I neither enjoy, nor covet. Go to him, and tell him without exaggeration, but in the language of truth and sincerity, the actual condition of his bleeding country. Depict to him, if you can find language to portray, the heart-rending wretchedness of thousands of the working classes, thrown out of employment. Tell him of the tears of helpless widows, of unclad and unfed orphans. Entreat him to pause, and not drive this brave, generous, and patriotic people to madness and despair."

The wrongs done to the aboriginal tribes of this continent, roused Mr. Clay's sympathies. In his speech on the relations of the United States to the Cherokees, February 4, 1835, he said:—

"I go into this subject with feelings, which no language at my command, will enable me adequately to express. I assure the senate, and in an especial manner I assure the honorable senators from Georgia, that my wish and purpose are any other than to excite the slightest possible irritation on the part of any human being. Far from it. I am actuated only by feelings of grief, feelings of sorrow, and of profound regret, irresistibly called forth by the contemplation of the miserable condition to which these unfortunate people have been reduced, by acts of legislation proceeding from one of the states of this confederacy. .... He said, he was applied to by the unfortunate Cherokees, to present their case to the senate. And he should have been false and faithless to his own heart, and unworthy of human nature, if he had declined to be their organ, however inadequate he feared he had proved himself to be."

The state of Georgia had claimed, that the United States were bound to extinguish the Indian land titles within her bounds, which, so long as the Cherokees refused their consent, conflicted with the obligations of treaties between the Indians and the fed-

eral government; and Georgia, on the alleged delinquency of the United States, had extended her jurisdiction over the Cherokee country. The object of the resolutions before the senate at this time, was to remedy this difficulty, and if possible to shield and indemnify the Cherokees against the wrongs they suffered by state legislation.

It is unnecessary to mention, what is known to all the world, how Mr. Clay's sympathies have expanded to embrace the oppressed of all nations, or how effectively those feelings have been exerted in the eminent and influential positions he has occupied, to extend the domain of freedom, in South America, in Greece, and elsewhere. The early, zealous, and solitary movement which he made in Congress, in behalf of the South American states, while struggling for independence, will stand for ever as a monument of his active sympathy for suffering and oppressed humanity. The gallantry, the chivalric character of his speeches in Congress, in favor of those states, has been felt over the wide world. He had freely expressed himself on this subject in 1816 and 1817. On the 24th of January, 1817, speaking in opposition to the bill to enforce neutrality, the object of which was, in deference to the Spanish government, to put a stop to the building of armed vessels in the ports of the United States, to be sold to the South American states, and which added two new principles to the law of 1794, Mr. Clay said:—

"From the inmost recesses of my heart, I wish them [the South American states] independence. I may be accused of an imprudent utterance of my feelings on this occasion. I care not. When the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbors, our brethren, occupying a portion of the same continent, imitating our example, and participating in the same sympathies with ourselves, I will boldly avow my feelings, and my wishes in their behalf, even at the hazard of such an imputation."

In his speech of May 10, 1820, he said: "This republic, with the exception of the people of South America, constitutes the sole depository of civil and religious freedom. And can it be possible, that we should remain passive spectators of the struggle of those people to break the same chains, which once bound us? The opinion of the friends of freedom in Europe, is, that our policy has been cold, heartless, and indifferent toward the greatest cause, which could possibly engage our affections, and enlist our feelings in its behalf."

In supporting Mr. Webster's resolution to send an agent to

Greece, in 1824, Mr. Clay said: "Go home, if you can—go home, if you dare, and tell your constituents, that you voted it down. Meet, if you can, the faces of those who sent you here, and tell them, that you shrank from the declaration of your own sentiments; that the spectres of cimeters, and crowns, and crescents, gleamed before you, and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity."

In private and in public, in all social and political relations, Mr. Clay has ever been found preëminently THE MAN OF FEELING. As if charged with a commission from above, it would seem to have been his constant aim, his ruling passion, to discharge the high duties of philanthropy, by multiplying in the greatest number, and extending to the greatest limit, the largest benefactions to the human race, his charity beginning at home, but finding no bounds. Sentiment has been the pastime of his life, the luxury of his existence.

ASHLAND, the residence of Mr. Clay, comprising the house, gardens, and park, is situated a mile and a half, southeast, from the courthouse in Lexington, on the southwest side of the turnpike road, leading to Richmond, but by the extension of the city, seems only to lie alongside of it. The whole estate of Ashland consists of between five and six hundred acres, of the best land in Kentucky—which, for agricultural purposes, is one of the richest states in the Union. Ashland proper, was projected for an elegant country-seat. The house is a spacious brick mansion, without much pretension in architecture, surrounded by lawns and pleasure-grounds, interspersed with walks and groves, planted with almost every variety of American shrubbery and forest trees, executed under the direction of Mr. and Mrs. Clay. Mr. Clay appears to have delighted in gathering around him the plants and trees of his own country, there being among them but few exotics. As the domicil of the great American statesman, Ashland is one of the household words of the American people. Having been deeply lodged in their affections, so long as the memory of its proprietor is cherished, it can not fail to have a place in history. Lexington is one of the oldest towns in the state, containing about eight thousand inhabitants, situated in the heart of a rich and beautiful country, itself a beautiful city. Its society is highly cultivated and intellectual, doubtless owing some of its celebrity in these particulars, to the vicinage of so distinguished a patriot, inspiring

its inhabitants with an admiration and love of himself, and inciting them to excellence in all the virtues of American citizens.

The HOSPITALITIES of Ashland are sufficiently well known to the many distinguished strangers, who have visited Lexington since the beginning of the nineteenth century. Mr. Politica, Russian minister, La Fayette, President Monroe, William Lowndes, Martin Van Buren, Daniel Webster, Lord Morpeth, General Bertrand, and many others known to fame, have been among the guests of Ashland. For twelve years speaker of the house of representatives, Mr. Clay was accustomed to entertain at dinner once each session of Congress, in a series of parties, all the members of both houses, and the ambassadors of foreign countries. While secretary of state, under Mr. Adams, the weekly levees were held alternately at the president's and Mr. Clay's.

Mr. Clay is far from being opulent. His long service in public life, during which he has been poorly remunerated, has prevented his acquiring wealth, of which he has not been desirous, farther than to educate his children, maintain his family, and live like his neighbors. His personal habits are not expensive, nor is there the least parade, or ostentation, in his dress, in his house, in his furniture, or in his mode of living; but entire plainness in everything visible. He has been always averse to contracting debts, keeping but few servants, and paying as he goes. Never, for a moment, has he been involved in any pecuniary difficulty on his own account; but he has been twice in his life seriously embarrassed by responsibilities for others. On the first occasion, he quitted public life, returned to the practice of his profession, and relieved himself from his obligations. He was a second time, and recently, involved, by engagements for one of his sons, who proved unfortunate in business. On that occasion, he displayed his characteristic generosity and disinterestedness. His son made a conveyance of all his property, providing for an equal distribution of it among all his creditors, of whom his father was the largest, the debt to him amounting to as much as the aggregate of the debts to all the others. He voluntarily relinquished his share in the common fund, to the other creditors, who were paid in full, while he received nothing. Always anxious to acquit himself with honor of every obligation, he felt the greatest sensibility under this weight of debt, and would no doubt have parted with Ashland, to rid himself of it, but for the relief mentioned in the following letter: —

"NORTHERN BANK OF KENTUCKY,
"*Lexington, May* 21, 1845.

"DEAR SIR: I am in receipt of your letter of the 12th inst. Within the last two months, I have received from various sections of the United States, letters to my address, containing money, which I was requested to apply to the payment of the Hon. H. Clay's debts, with no other information, than that it was a contribution by friends, who owed him a debt of gratitude for services he had rendered his country in years past, and that they were desirous of rendering his declining years free from pecuniary cares. The amount so received amounted to twenty-five thousand seven hundred and fifty dollars. This, with the exception of five hundred dollars used for the same purpose through another channel, is the total. It was with some reluctance that Mr. Clay was induced to accept this relief; and I am convinced, that the delicacy observed by the generous donors, had much influence in his decision.

"He is now measurably freed from debt, and his *Ashland* cleared of mortgages. We trust it will continue to be the residence of its noble owner, and that Providence will long spare his life for his country and friends.

"I am, dear sir, respectfully yours,

"JNO. TILFORD.

"C. COLTON, Esq."

It was reported in the public press, that Mr. Clay asked Mr. Tilford, with emotion, "Who did this?" To which Mr. Tilford replied: "Sir, I do not know. It is sufficient to say, that they are not your ENEMIES."

It is evident, from the frugal and exact habits of Mr. Clay, and from his unparalleled success in his profession, whenever engaged, that, if he had devoted his life to it, instead of the public, he could have made himself one of the richest men in the land.

There is another fact, in the history of his estate, which can not but be a subject of regret with all who take an interest in him—one, indeed, which he would never mention, as the transaction was voluntary on his part, though arising from his relations to the public. He once owned a tract of land, through which the canal at Louisville (Ky.) runs, and which comprehends a part of the city Being unproductive at that time, the contingent prospects of himself and family, resulting from his public engagements, induced him to exchange it for other property; and the sacrifice which he made in the chances of the future, by that transaction, is estimated at a million of dollars!

CHAPTER III.

Mr. Clay's Moral Character and Religious Sentiments.—Admiration of his Character in Children and Youth.

ALTHOUGH every man's morals must be brought to a common standard, it may nevertheless be true, that those of some men can not be estimated by common rules. While one man acts correctly in the social relations, because the influences of society force him to do so, another does it spontaneously, from the pure and elevated character of his own feelings. The latter does not follow, but leads; is not a copyist, but the author of examples. On account of his high and independent career, he may possibly exhibit some deviations that will incur the criticisms of strict casuists. Though a shining light, like as artificial aids reveal spots on the sun, he may not be altogether without them.

There is a great and comprehensive fact in the history of Mr. Clay's moral character, with the power of a controlling principle, which would not, perhaps, occur to one of many minds, which probably was never understood by himself, because thorough self-knowledge is rarely attained, but which needs only to be mentioned to be appreciated: Mr. Clay was always in advance of those around him in the character of his moral feelings. He was indeed, in the first place, indebted to that original and eternal moral system established by the Creator, in alliance with the conscience of moral agents, as all men are; he was, in the next place, indebted to the favorable circumstances of his infantile existence; in the third place, he was indebted to the not less favorable social relations, which befell him, at Richmond, in his youth, till he launched forth into the loftier and more extended sphere of his destiny; and in the fourth place, he was indebted to that perfect system of morality, generally afloat, in numberless forms, emanating from Christianity. But the original moral sense imparted to him by creative energy, was purer than life in its ordinary forms, stronger than the best common agencies of society

and always kept ahead of anything common. While a child and boy at home, he was better even than his mother expected, and she was constantly surprised and delighted by the exuberant fruits of his good conduct. He seemed to require neither her guidance, nor her promptings. In every position he occupied at Richmond, till he graduated for the higher responsibilities of life, and removed to Kentucky, it was precisely the same. He was ahead of all around him, in the tone of his morals, and in the correctness of his conduct. It was he that shed light on others, not others that shed light on him; he was their example, not they his. He indeed deferred to superiors, in the respectfulness of his deportment; but he was constantly seen starting up, and darting forward, in some brilliant development of moral character, altogether independent and peculiar to himself. In whatever circle he moved, in whatever company he appeared, in all his relations, when unchecked by the just claims of his seniors, he was the reigning star.

An ascendency and precedence of this kind, budding in infancy, blossoming in childhood, conceded in youth, and maintained everywhere, throughout the period of his early history, was not likely to be resigned, or to disapppear in subsequent life; but, like all human talents, which acquire strength by use, and the claims of which are universally conceded, when they can no longer be rivalled, this character of Mr. Clay rapidly grew into manhood, and obtained a standing, from which no social influences were ever able to thrust him. Since he entered the great theatre of life, as an independent and responsible agent, he has never been found in any society or relations, to which it could be said, that he was indebted; but all have acknowledged their indebtedness to him. He was always a leader, never a follower. The tone of his morals was native to him, was cradled by the best care, was invigorated by the habits of childhood and youth, and was never relaxed. To lofty aims and a dignified bearing, such as he ever manifested, the ordinary vices of men could not easily attach themselves. Nobody ever thought of bringing Henry Clay down; they only thought of rising to his level. Admiration of him was regarded by others as a compliment to themselves, and they accorded to him a position, which it was easy for him to maintain. Such was his industry, and such the rapidity of his career, in acquiring reputation, after he entered upon life, that there was not time for him to be corrupted by the bad, even if they had desired or attempted to

do so. But his best security was, that nobody ever dared to make to him a dishonorable or degrading proposal.

Mixing, through life, chiefly with men, not professing to be governed by religious principle, with whom good manners are made the standard or evidence of good morals, Mr. Clay was doubtless in some degree influenced, though it is not necessary to suppose, that he was vitiated, by such associations. From the character ascribed to him, and which is believed to be true, he was never a man to imbibe, but rather a man to impart, influence. He may, in some instances, have conformed to customs, which he could not, upon reflection, approve, as for example, the practice of playing at cards with money at stake—a well-known fault of gentlemen in his sphere of society, and much more practised formerly than of later years. But Mr. Clay never visited a gambling-house in his life, and was never seen at a gaming-table, set up for that purpose. In the early periods of his public career, he played with his equals in society for the excitements of the game; but he never allowed a pack of cards to be in his own house, and no man ever saw one there. That he was once in the habit of yielding to this seductive passion, is not more true than that he always condemned the practice, and for many years has for the most part abstained from it. Probably no man reprobates it more sincerely.

It is also known that Mr. Clay has twice in his life been engaged in duels, the first with Humphrey Marshall, of Kentucky, and the second with John Randolph, of Roanoke. The laws of the code of honor, so called, can never be justified, and it is equally a violation of the rights of society and of God. That these two things are blemishes in Mr. Clay's brilliant career, can not be denied, and that he regrets them more than any others can, is doubtless true.

As regards Mr. Clay's pecuniary transactions, which constitute one of the severest tests of morals, there is not probably in the country a person more careful to "owe no man anything," or who would be more anxious while in that situation. He was never embarrassed from this cause, by his own improvidence, or on his own account. When he went abroad, in 1814, as commissioner at Ghent, he loaned his credit to some friends in Kentucky, and returned to find himself deeply involved by the use they had made of it. But he afterward resigned the speakership of the house of representatives, left Congress for a season, to work off this burden, in the use of his profession as a lawyer, in which he succeeded. To some of his friends, who expressed their regret, that

he should retire from the public service, he replied, "You can not have a better guaranty for the fidelity of a public servant, than that he should be independent." It too often happens that public men are not independent; and it is rare, that they retire into private life to make themselves so. Too many of them prefer the spoils of official station. How can he who has neglected his own affairs, be safely intrusted with the affairs of others—of the public? In the smallest affairs of trust, Mr. Clay is remarkably punctilious, and as with all such persons, he expects and requires it from all others. It would be morally impossible, that he should either forget, or neglect a trust, however trivial it might be, whether accepted by himself, or imposed without his consent. No client of his ever had to complain of a suit neglected, of papers lost, or of a settlement in his favor deferred. System, method has always been a part of Mr. Clay's morals, and he could write from Washington to say, in what parcel, in what pigeon-hole, of what bureau, at Ashland, a specific paper might be found. Occasions have demonstrated this fact, which is the reason of its being so stated.

Mr. Clay has been a second time embarrassed in his pecuniary condition, the cause of which, and the relief, are stated in the preceding chapter.

Mr. Clay's habitual care to be on the right side, in suits at law, is an instance of his regard for sound morality. It was rare, that he ever engaged on the wrong side. Nor would any devices, or tricks, to evade law, escape his rebuke. A man once appealed to him, with feeling, saying, that he was embarrassed, and wished to secure something to his wife and children, before his failure, thinking it a justifiable act. The manner of Mr. Clay's reply, showed, that he regarded it as an immorality. He would engage in no such transaction.

When Mr. Clay was secretary of state, in 1827, and his son Henry at West Point academy, he was accidentally advised of some improper conduct in one of the cadets. Fearing for his son, who, as a member of the same institution, and an intimate of this young man, might be injured by such society, and not less desirous of benefiting the offender, he wrote him a letter of rebuke, which brought forth a reply, of which the following is an extract: "It is possible, that when you wrote a letter which I have this moment received, you pictured to yourself some of the effects which it would leave on my feelings. Whatever idea you may have formed of such feelings, it could not have come up, by far, to the

reality." His reprover had the satisfaction of observing, that he had not discharged his sense of duty in vain.

The laudable and successful ambition of Henry Clay, jr., while a cadet at West Point, is not more evident, than his filial affection and obedience to the counsels of a solicitous parent. The following brief items of a correspondence on one side, are copied as an illustration of this part of the morality of the social state, showing parental care and filial regard. In a letter to his father, dated West Point, Feb. 1, 1829, Henry says.—

"I am but too well convinced of the truth of your remark, that there is not a mistake, which a man commits with more ease, than that of judging erroneously of the degree of his own merits, and that none should be more carefully guarded against. The conclusion at which I arrived, and was thoughtless enough to mention to you, was that of my own unassisted judgment. I agree with you, that no man is so contemptible, as he who is ready to follow, and to engage in any pursuit, without first consulting his own good sense and prudence." At another time, he says: "In regard to my going to Kentucky, I feel forcibly the obligations under which I am to you, for your kind wish, that I should spend my vacation as agreeably as possible. I know not, whether the transient pleasure I shall enjoy, will compensate for the inconvenience to which you may be put." Again: "I have received your letter of the 14th inst. By it, all my fears are quieted. Feeling as I now do, I can not but beseech you to forgive me for the uneasiness, which my but half-suppressed discontent must have caused you." These, certainly, are gems in such a relation.

But that high-toned morality, which made Mr. Clay so scrupulously nice in all the private relations of life, and which is not less exact now than at any former period, has had a broader field for its display, and been rendered more illustrious in his character as a statesman: first, in his conscientious regard for the rights of the people, and the rights of the states, as defined in fundamental law; and next, in his respect for the claims of international law, and for the opinion of mankind, based upon that platform. Here are suggested three comprehensive rules of morality. With Mr. Clay, as a statesman, the existing government, existing institutions, and existing laws, rightly defined and interpreted, are AUTHORITY, and the only authority. Whatever rights they secure to the people, Mr. Clay has ever considered himself conscientiously, religiously bound to maintain. The rights of the states, being another class, have also their claims. Mr. Clay, however his own personal feel

ings or private judgment might differ from the rule, would no more consider himself entitled to depart from it, in the discharge of his public duties, than a Christian priest to violate the gospel. In the matter of slavery, for example, the constitution has decided on what basis it shall stand, and within what limits. That is the rule for Mr. Clay, on this subject, as a public man. In all foreign relations, the recognised public law is his only guide. Mr. Clay thundered out his denunciations against the alienation of Texas, when it was consummated in 1819; but being done, he would not acquire it in violation of public law, however desirable it might be to have it. Right for the people, right for the states, and right for all nations, according to the rules, has ever been Mr. Clay's code of morality, as a statesman; and with him, it has been a principle of morality, rather than a question of policy. With him, in such matters, the *law* is the *gospel*. Morality has entered into Mr. Clay's public character, with not less energy, than into his private relations. In the former, it has displayed its greatest strength, on account of the nature of the subjects, as being more important and more momentous.

Nobody could ever find who had been Mr. Clay's preceptor in moral lessons, because he never had one, except the tuition of the Deity over the monitor within, aided by the providential circumstances of his birth and education. For a mind so independent in its action, marching to the discovery of its own superior powers, which was unavoidable, it was fortunate, that Mr. Clay's moral perceptions were always pure.

But there have been displayed in Mr. Clay's career other and higher moral qualities, which do not come within the range of these lower and more circumscribed views—qualities, which constitute the most interesting developments of his character, and which, though impulsive in their nature, yet, in his case, have been uniform in their modes of action, and beneficent in their tendencies. They are not uncommon in isolated instances, each by itself, and usually in a lower degree. It is the assemblage of so many in one individual, and the vigor and effectiveness of their action, which are remarkable. They are those higher attributes of moral character, for which a man acquires the reputation of *disinterested*, *philanthropic*, *noble*, *generous*, *chivalric*, *patriotic*, *heroic*.

No matter what human being may be in distress, or what kind of misfortune may be his lot, a man endowed with these qualities

is instantly roused by an impulse for his relief, and he will achieve it, if it be within the limits of his ability. His eye and his heart are upon it, because he is impelled by the powerful action of his moral constitution, in view of the case. It would be impossible for him to rest, till this desire is gratified. It takes hold of him like a passion, and becomes a passion, putting in requisition all the means within his reach, and all the powers of which he is possessed. He may and doubtless will have rules of action prescribed to himself, in regard to such cases; but he can no more refrain from acting, than he can violate the laws of his being.

When such a man's social relations are enlarged, and he is called to act for society on an extended scale, with more or less of authority, this disposition, in all its energy, invigorated and stimulated by exercise, is developed in comprehensive devices, to embrace a larger number of the unfortunate, and a wider sphere of suffering. If its influences are mediate, and its agencies secondary, it is the result of his position, and is as much more effective and useful in its operations, as the scale on which he acts is larger. As an agent for others, he will, if possible, more than satisfy those who have committed trusts to his hands, by his fidelity, zeal, and success. As an arbitrator between disputants, and violent antagonists, all his benevolent energies are called forth in the useful functions of a peace-maker. As a commissioner on a philanthropic errand, delegated from one party to another, single or associated, he engages in his mission with all his soul. As a legislator, his ear and heart are open to all addresses, and he looks abroad upon the community, to see how much suffering he can relieve, and how much good he can do. As a magistrate, his great aims are fidelity, justice, mercy. When human life is in his hand, as an advocate or public functionary, all his powers are directed to its preservation on just principles. As a state or national counsellor, in whatever capacity, he is first a patriot, next a philanthropist. It is not enough for him to do all possible good to his own country, but, after taking care of that, he grasps the general interests of humanity. Other states, and other nations, so far as he can further their progress in freedom and happiness, are sure to realize his effective sympathy.

But these powerful tendencies of his nature to beneficent acts, on the smallest and on the largest scale, are not without regard to personal honor when he acts for himself, or to the honor of his client when he acts for another, or to public honor when he is a

public agent. That same powerful impulse, which prompts him to do good, and to do it with energy and effect, on proper occasions, is intimately associated with a not less powerful sense of wrong, and of dishonorable conduct, to keep himself right, and to claim the same treatment from others — to have his country always in the right, and to hold all opponents, private or public, always in the wrong, if they choose to differ; and the right he will maintain to the death.

And, it will be observed, that there is always a *disinterestedness* in these rare characters. It is impossible, in the nature of man, and of moral being, that self-interest should consist with these great qualities, developed in the various forms of nobleness of feeling, of generosity, of chivalry, of patriotism, and of heroism, according to the nature of the occasion, on which they are respectively called forth. A regard to self would be a check, an effectual bar on the action and current of such high feelings. A consideration of self not only arrests their progress, but is death to them. It dries up the fountain. Selfishness and these attributes can not coexist in a uniform character. A man may do a great, and apparently, noble action, from a selfish motive; but a selfish man will not boldly venture on such acts as a career of life, in all relations, in all circumstances, and on all occasions. A man, ambitious of fame, may make to himself a notable history as a military chieftain, or in any other single pursuit, from motives chiefly selfish; and for that reason, he will never be caught making a sacrifice of his own chances, for the rights and interests of others, or of the public, or for private honor. In some, if not in many of the diversified relations and stages of his career, he will be found defective, so that his reputation will be tarnished, if not for ever disgraced, and his fair fame obscured, if not obliterated.

But the character now under consideration, the man who was made and who lives for others, not for himself, who is constitutionally and invariably actuated by a regard for the good of others and of the public; who is habitually under the control of these higher and nobler impulses, after the strictest scrutiny into the nicest points of his social history, will come out pure, untarnished The more he is known, so much the more will the disinterestedness of his conduct be established, and so much the more will his honor be illustrated. It will be found, that he has never paused in sacrificing his own chances, when honor, or public good required it. Scrupulous in his principles and in his conduct, he has acted

under the impulses of a great and generous mind. If he deserves less credit, because he was so constituted by nature, he can never be fairly accused of the vices which are opposed to these eminent virtues.

It can not be denied, that an impression has gone widely abroad, that Henry Clay is a character of this description. Thousands, and tens of thousands of witnesses, and close observers of his life and conduct, believe it, certify to it. A history of forty years, is a severe test of a public man's character. It is at least remarkable, that, after all the siftings through which Mr. Clay has passed, in view of the multiplied social and public relations he has held, and notwithstanding all the attempts of his enemies to defame him, this impression of his disinterested, noble, generous, chivalric, patriotic, heroic character, has spread wider, grown stronger, and obtained a more profound, and firmer hold on the mind, not only of the American people, but of the civilized world.

In regard to Mr. Clay's RELIGIOUS SENTIMENTS, it is a subject of some interest, and not unworthy of notice. The position he has occupied, in relation to the religious world, is perhaps as well defined in his own remarks, made in the senate of the United States, in 1832, when he moved a joint resolution, to request the president to appoint and recommend a national fast, on account of that terrible scourge, the Asiatic cholera, which had extended its ravages to the American continent, and filled the public mind with consternation and dismay. Very unexpectedly this motion was opposed in the senate, and afterward in the house of representatives by the speaker, James K. Polk, and others, though it passed; but the president, General Jackson, having refused his assent, the proposal failed. In consequence of this opposition, among other things, Mr. Clay said:—

"I am a member of no religious sect, and I am not a professor of religion. I regret that I am not. I wish that I was, and I trust that I shall be. I have, and always have had, a profound regard for Christianity, the religion of my fathers, and for its rites, its usages, and its observances. Among these, that which is proposed in this resolution, has always commanded the respect of the good and the devout; and I hope it will obtain the concurrence of the senate."

No one would be able to perceive, that Mr. Clay's mind had been tainted with the poisonous ingredients, in relation to Christianity, with which the atmosphere of society has been charged for

the last half century, or more. It is remarkable, to say the least considering the circumstances in which he has been placed, and the associations with which his various public functions have brought him in contact, for so large a portion of his life, that he should have passed through such an ordeal, and come out, with such simplicity and purity of mind on the subject of religion. In the use of that practical good sense, for which he was always remarkable, knowing well, that he was too much occupied in other things, to debate such profound matters, and believing that a hasty judgment upon them would be very unwise, and might be fatal, he seems never to have drawn in question the claims of Christianity, or the verities of its Divine disclosures, and has apparently been accustomed to entertain it as a great and suitable FACT.

Mr. Clay's belief in Divine Providence often appears, in his public speeches, and in conversation. In the opening of a speech, in the house of representatives, in March, 1824, on the great interests of the country, as involved in the American system, apparently impressed with the weighty and religious responsibilities then devolving on that body, he said:—

"I would invoke the aid of the Most High. I would anxiously and fervently implore his Divine assistance, that he would be graciously pleased to shower on my country his richest blessings; that he would sustain, on this interesting occasion, the humble individual that stands before him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station."

In Mr. Clay's speech before the Kentucky Colonization Society, at Frankfort, 1829, speaking of the time required for the accomplishment of great and good ends, he said:—

"Eighteen hundred years have rolled away since the Son of God, our Blessed Redeemer, offered himself on Mount Calvary, for the salvation of our species; and more than half of mankind still continue to deny his Divine mission, and the truth of his sacred word. Throughout the entire existence of Christianity, it has been a favorite object of its ardent disciples, and pious professors, to diffuse its blessings by converting the heathen. This duty is enjoined by its own sacred precepts, and prompted by considerations of humanity. All Christendom is more or less employed in this object, at this moment, in some part or other of the earth. But it must in candor be owned, that hitherto missionary efforts have not had a success corresponding in extent with the piety and benevolence of their aims, or with the amount of means which have been applied. Some new and more efficacious mode of accomplishing

the beneficent purpose, must be devised, which, by concentrating energies and endeavors, and avoiding loss in their diffuse and uncombined application, snall insure the attainment of more cheering results."

Mr. Clay concluded his speech on this occasion, as follows: "We have reason to believe, that we have been hitherto favored, and shall continue to be blessed, with the smiles of Providence. Confiding in his approving judgment, and conscious of the benevolence and purity of our intentions, we may fearlessly advance in our great work. And when we shall, as soon we must, be translated from this into another form of existence, is the hope presumptuous, that we shall behold the common Father of whites and blacks, the great Ruler of the universe, cast his all-seeing eye upon civilized and regenerated Africa, its cultivated fields, its coasts studded with numerous cities, adorned with towering temples, dedicated to the pure religion of his redeeming Son?"

In a speech, in the senate, 1832, when describing the social and moral condition of factory-girls, in American establishments, he alludes, with apparent religious and devout satisfaction, to their Christian privileges and character, thus:—

"'Six days shalt thou labor, and do all that thou hast to do; but the seventh day is the sabbath of the Lord thy God.' Accordingly we behold them [the factory-girls] on that sacred day, assembling in his temples, and in devotional attitudes, and with pious countenances, offering their prayers to Heaven for all its blessings; of which, it is not the least, that a system of policy has been adopted by their country, which admits of their obtaining a comfortable subsistence."

Mr. Clay describes what he had witnessed. Hence the sentiment and vividness of the picture.

In his speech in behalf of the Cherokees, 1835, he says: "If they [Congress] were to fail to do this [justice], and if there was, as reason and revelation declared there was, a tribunal of eternal justice, to which all human power was amenable, how could they, if they refused to perform their duties to this injured and oppressed, though civilized race, expect to escape the visitations of that Divine vengeance, which none could avoid, who had committed wrong, or done injustice to others?" Here is morality as well as religion.

"I have waited," said Mr. Clay, in his valedictory to the senate, 1842, "in perfect and undoubting confidence, for the ultimate triumph of justice and truth, and in the entire persuasion,

that time would, in the end, settle all things as they should be, and that whatever wrong or injustice I might experience at the hands of man, HE, to whom all hearts are open and fully known, would, in the end, by the inscrutable dispensations of his providence, rectify all error, redress all wrong, and cause ample justice to be done."

In the opening of Mr. Clay's speech at Lexington, June 6, 1842, on his retirement to private life, he said: "I feel that it is our first duty to express our obligations to a kind and bountiful Providence, for the copious and genial showers with which he has blessed our land—a refreshment of which it stood much in need. For one, I offer to him my humble and dutiful thanks."

It has been the habit of Mr. Clay, through life, on proper occasions, in private and in public, to make a religious and reverential recognition of Divine Providence, and to speak in the most respectful manner of Christianity, its rites, and its institutions. He has also been an habitual attendant on the public observances of religion. On a Sunday evening, some time after the result of the presidential election of 1844 was known, while sitting at his own fireside, with two friends, the dark prospects of the country being a topic of conversation, he said, pointing with his finger to the Bible, which lay on the table—the only book there, showing the use that had been made of it: "Gentlemen, I do not know anything but that book, that can reconcile us to such events."

"ASHLAND, *March* 7, 1845.

"DEAR SIR: I have received your obliging letter, informing me, that, by the contribution of two ladies of Baltimore, of the requisite sum for the purpose, I have been made a member for life, of the Baltimore Sabbath Association. As you do not inform me of the names of the ladies, I must request you to be my organ to communicate to them my respectful acknowledgments for this proof of their valued regard and esteem, and to assure them, that I share with them in sentiments of profound reverence for the sabbath, as a religious institution, and that I fervently hope, that all laudable endeavors to inculcate the proper observance of it, may be crowned with success.

"I have also to thank you for a copy of the pamphlet, containing the proceedings of the association, which you forwarded to me.

"I am, with high respect, your friend and obedient servant,

"H. CLAY.

"CHARLES W. RIDGELY, Esq."

"ASHLAND, *March* 7, 1845.

"DEAR SIR: I have received your favor, transmitting a testimonial of my being made a member for life of the American Home Missionary Society, in virtue of a contribution made for that object by the ladies of the Durand Society of New Haven.

"I request you to communicate to them my grateful acknowledgments for this distinguished proof of their highly-appreciated esteem and regard, and to assure them that I share with them a profound sense of the surpassing importance of the Christian religion, and believing, as I sincerely do, in its truth, I hope and trust that their laudable endeavors to promote and advance its cause may be crowned with signal success.

"I am obliged to you for your account of the operations of the society. And from their great extent I should suppose that the results of the labors of the society would fully correspond with the pious and religious motives which prompted its establishment.

"I am, with great respect, your friend and obedient servant,

"H. CLAY.

"CHARLES HALL, Esq."

Since Mr. Clay's retirement from public life, he appears to be more than ever impressed with the inestimable value of religion, is often occupied with researches and studies connected with it, regularly attends divine service, and probably will soon become a communicant in the church.

The impression which the character of Mr. Clay has made upon the children and youth of the land, is one of interest and instruction. Doubtless it may be partly explained by his reputation, which, such as it is, always takes a strong hold of young imaginations.

A reverend gentleman, in Kentucky, became enthusiastically attached to Mr. Clay, from impressions received in his youth. In a letter to him, in 1828, speaking as one personally unknown to him, he says:—

"When I was pursuing my education in Lexington, as a student and a boy, I was much pleased with your oration at the laying of the corner-stone of the hospital. Once, on Poplar Row, on the pavement, I met you. There were none else on the street, and you spoke to me so politely and friendly, though a little thing, it made no small impression. The next time I saw you, was when I was at college. You passed through Princeton (N. J.), sitting by the driver, on the outside, and spoke to Mr. —— ——, who was with me. The way you spoke to

him, as an acquaintance, impressed me, that, in no ordinary degree, you were a man of friendly feeling and urbanity. I have named my firstborn son, HENRY CLAY, first, as a mark of friendship and affection for you; and next, that your character might stimulate him to worthy deeds. I am in the habit of praying for you, in secret and public. You are consecrated to your country. Bear with me, for I love you."

The following letter has an interest of this kind:—

"————, *August* 11, 1832.

"MY DEAR SIR: The two little gentlemen, who are named in this note, applied to me, in the most earnest manner, to introduce them to your notice and acquaintance; and I must say, that it gratified me to comply with their request. My heart feels joy, when I see little boys (they will soon be men), uncontaminated, ardently desiring to know *you*. Both of them, little fellows, are endeared to me, from the consideration of having labored long, incessantly, carefully, and successfully, in the cultivation of the minds of their mothers. The elder of these little gentleman, is —— ——, of ——, whom I introduced to you at that place, on your way to Kentucky, when I saw you last; and the younger is —— ——, son of —— ——. I pray God Almighty to look down, and bless the rising generation, and thus prevent the awful political and moral contagion, which has overspread and pervaded our once happy country, so that our youth, at least, may escape its baneful influence."

A student at college writes to Mr. Clay, December, 1844, thus:—

"HONORED SIR: Excuse the enthusiasm, which prompts a young and ardent son of Rhode Island in addressing you, whose genius and principles have won his admiration. It is among the most pleasant recollections of my childhood, that when, many years ago, you passed through my native city, I, too, among the thousands who bade you welcome, had the honor of taking by the hand, the statesman, whose name had become as household words in the land of Roger Williams."

It is singular, that while writing this page, the author should have received a letter, of which the following is an extract:—

"Strange that a man, whom I have seen but once or twice in my life, and that in my boyhood, when he was surrounded by crowds of friends, and too much engrossed with them, to notice the children with whom I was then ranked, should now be loved almost as a father! And yet half of the nation may say the same thing"

One evening at Maysville, Kentucky, 1842, after Mr. Clay nad made his entrance there on a public occasion, some matrons, followed by their daughters, were observed to be importuning him. Mr. Clay was obliged at last to sit down in a chair, and submit to the scissors, till he cried out, "Please leave a little, or I shall have to get a wig." The young damsels stood by, each waiting her turn for a lock of his hair, while their mothers officiated as barbers.

On another occasion, in 1844, while Mr. Clay was sitting in his office, at Lexington, a group of noisy, but lovely little girls, rushed in, crying out, and emulating each other for the first salute, "How do you do, Mr. Clay?" all seizing his hands simultaneously. Their gentle, captivating violence amounted almost to rudeness. Mr. Clay did not know one of them; but they were not slow to tell him whose daughters they were, which they did not doubt was a sufficient introduction. "Come and see ME, Mr. Clay," each one insisted, on retiring, and each seized his hand some half-dozen times, all being in controversy, who should have it last, as they had been, who should get hold of it first.

In the last two cases above noticed, the author describes what he himself witnessed, and was much interested in observing, on account of the moral of the facts. These are only a few examples of the feelings of children and youth toward Mr. Clay, which might be multiplied to an unlimited extent. There must be a foundation for this admiration in young minds. Unknown to most of them, his well-earned fame touches their hearts. Nor is the effect less on the sterner feelings of manhood, and the more gentle affections of female character.

CHAPTER IV.

Mr. Clay's Person—Temperament—Manners—Voice—Attributes of Eloquence.—Specimens of his Eloquence.

MR. CLAY is a tall man, six feet and one inch; not stout but the opposite; has long arms, and a small hand; always erect in standing, walking, or talking; in debate, still more erect; has a well-shaped head, and a dauntless profile; an uncommonly large mouth, upper lip commanding, nose prominent, spare visage, and blue eyes, electrical when kindled; forehead high, sloping backward in a curvilinear line, that bespeaks the man; hair naturally light, and slow to put on the frosts of age; withal, displaying a well-formed person, and imposing aspect, with which, it is supposed, an amateur or connoisseur in human shape and countenance, would not be likely to find much fault. In regard to phrenological developments, so far as any may have respect for that science, so called, the following is a sketch of Mr. Clay, drawn by a professor, whether from fact or theory, both being before him, it is not deemed important to say:—

"There is a tall, light-haired, blue-eyed individual, sixty years old or more, who occupies a seat in the senate, at the capitol. He has not what would be called a handsome face, but one of the liveliest, or, if we may so speak, one of the most *looking* faces that ever fronted a head. It is because he has a *looking* organization. You catch not him asleep or moping. He seems to see everybody that comes in, or goes out, and besides, to have an eye on, and an ear for, whatever honorable senator may occupy the field of debate. If his own marked political game is on foot, he is then NIMROD, a mighty hunter. He can see just what fissure of inconsistency, nook of sophism, or covert of rhetoric, is made a hiding-place. At the right moment, he aims a rifle pretty sure to hit, if his powder is good; and his friends say, that he uses the best. Grand fun it is, to stand by, and see this keen sportsman crack off, and especially to hear him wind 'the mellow, mellow horn,' which his mother gave him a long while ago. To leave our hunting-ground metaphor, for the plain beaten way, this indi

vidual is the veteran statesman from Kentucky. Now, just come and look at his head, or seek his portrait, at least. You will see how his PERCEPTIVES put themselves forth in front, just as if they were reaching after their objects, as it were, for a long pull, and a strong pull, to fetch them into keeping. Then, in speech, with what ease, grace, order, and effect, he can fling forth his gatherings. His mind has been developed by the exciting circumstances of active life, rather than by the speculations of quiet books. Henry Clay is, therefore, a PRACTICAL MAN. He is pre-eminently PERCEPTIVE. He knows the whom, the what, the where, the when, the which first, and the how many, as well, perhaps, as any public man living. A very long political life has put him to the test. We do not aver, that he never made mistakes, or that he is politically and positively right; WE INTIMATE, MOREOVER, NOTHING TO THE CONTRARY. We would simply convey, that of all the great statesmen of our country, he particularly illustrates the faculties just had under review!" —*Uncle Sam's Letters.*

The TEMPERAMENT of Mr. Clay is sanguineous and mercurial, susceptible of quick, and in the presence of powerful causes, of high excitement; but it has been so well controlled by his judgment and moral feelings, that the condescension, affability, and great kindness, which have usually characterized his manners, have procured for him the most enthusiastic and ardent attachments among all classes, all ages, and both sexes. In less guarded moments, however, the proneness of such a temperament to quick action, has sometimes wounded friends and made enemies. But he is magnanimous in his concessions, when convinced of a fault.

In 1816, when he and Mr. John Pope were opposing candidates for Congress, Mr. Clay took offence at something which had been said by one of Mr. Pope's friends, and attacked him in the streets of Lexington, creating no inconsiderable disturbance. It was generally thought, that Mr. Clay was in the wrong, and after sleeping upon it, he himself came to the same opinion. The next morning he made the amende honorable to the gentleman whom he had attacked; but it was not so easy to make his peace with the people. The next day he was to meet Mr. Pope a few mile from the city in public debate, where the people, when assembled, evinced much excitement on account of this affair. Mr. Clay rose, in presence of the multitude, and in a very feeling, but dignified manner, acknowledged his fault. The magnanimity of this conduct, done with a grace and effect, which none but Mr. Clay could throw into it, greatly enhanced his popularity, and he car-

ried the district over Mr. Pope triumphantly, as he always did, before and after, against every opposing candidate in the state, whether before the people for the house of representatives, or in the legislature for the senate of the United States.

This constitutional excitability in Mr. Clay, has always been with him a severe test of the power of self-government, and it is not a little to his credit that he has so generally been able to control the strong tendencies of his ardent temper, and hold them within the bounds of moderation. He who, like Mr. Clay, thinks quick, and comes quick to his conclusions, is in danger of impatience at the movements of more sluggish minds; and a public man, for ever absorbed, and sometimes vexed, by the cares of office, has some apology for disposing of calls on business abruptly, or for excusing himself to visiters, who do not appreciate the preciousness of his time. When, however, it is considered, that Mr. Clay's great powers were based on this very temperament, which has exposed him to occasional faults, and that, under the admirable self-discipline he has maintained, the public, the world, are indebted to these strong impulsions of nature, for the invaluable fruits and results of his lofty ambition and great exertions, no one can reasonably regret, that Mr. Clay was just such a man, and no other.

Mr. Clay himself seems to have been aware of this feature of his own character. In his valedictory to the senate of the United States, in 1842, he said:—

"That my nature is warm, my temper ardent, my disposition—especially in relation to the public service—enthusiastic, I am fully ready to own. During a long and arduous career of service, in the public councils of my country—especially during the last eleven years I have held a seat in the senate—from the same ardor and enthusiasm of character, I have no doubt, in the heat of debate, and in an honest endeavor to maintain my opinions, against adverse opinions equally honestly entertained, as to the best course to be adopted for the public welfare, I may have often, inadvertently or unintentionally, in moments of excited debate, made use of language that has been offensive, and susceptible of injurious interpretation toward my brother senators. If there be any here, who retain wounded feelings of injury or dissatisfaction produced on such occasions, I beg to assure them, that I now offer the amplest apology for any departure, on my part, from the established rules of parliamentary decorum and courtesy. On the other hand, I assure the senators, one and all, without exception, and without reserve, that I retire from this senate-chamber without carrying

with me a single feeling of resentment or dissatisfaction to the senate, or to any one of its members."

There was truth and reason in this, which was uttered in such a feeling manner, that there was scarcely a dry eye in the senate. When the speech was concluded, Mr. Calhoun walked across the senate-chamber, and offered Mr. Clay his hand, which was cordially taken, and thus ended their hostility.

In MANNERS, few men, if any, have been more happy, than Mr. Clay. Naturally endowed with great self-possession and ease, displaying a commanding person, an eloquent countenance, a condescending mien, affability, dignity, deference, general courtesy, and having a quick discernment of character, Mr. Clay has been not less successful in captivating the plainest people than the more cultivated; in winning the populace, than being the centre of attraction in the drawing-room. The common man, after an acquaintance, would naturally say, he is kind; the gentleman would say, he is easy and without fault; the lady, he is an example of politeness; the opponent in debate, he is fair; the diplomatist, he is accomplished; the client, he is attentive; the friend, he is true and faithful; and youth and children, that have been noticed by him, have given evidence, that he is fascinating. He is not less susceptible of accommodation in manners to all persons and characters, than versatile in the capabilities of his intellectual powers—a gentleman, by nature, culture, and habit.

The VOICE of Mr. Clay has been one of great melody, compass, and power. With a foundation of low bass, deep and strong, it has been capable of rising to the sharp falsetto, every note in the scale musical and far-reaching. Within this compass, lies the power of expressing all human feelings and passions. The penetrating character of Mr. Clay's voice, has been considered remarkable, its common colloquial notes, being equal in their effect, in the same circumstances, to that of the greatest physical exertion of most men. Spectators in the galleries of the senate-chamber, have often heard his private talk at his desk below, while another senator was making a speech. In regard to the modulations of his voice for oratorical purposes, instructed by nature rather than art, and employing his vocal powers chiefly for the practical uses of society, of the forum, and of public debate, Mr. Clay has always escaped the vices of *tune* or *song*. Hence his

elocution has been felt to be natural, and has consequently been effective.

But the ATTRIBUTES of Mr. Clay's eloquence extend to a wider range than that of voice. His person, tall, erect, commanding; his countenance, as well as his voice, capable of expressing every feeling and passion of the human soul, pleasure or pain, satisfaction or discontent, hope or fear, desire or aversion, complacency or contempt, love or hatred, joy or grief, ecstasy or anguish, valor or cowardice, kindness or cruelty, pity or revenge, resolution or despair; his large mouth, and swollen upper lip, working quietly or in agony, as occasions require; his eye resting in calmness, or beaming with lively emotion, or sparkling with strong feeling, or flashing with high passion like the thunderbolts of heaven in the darkness of the storm; his arms, now hanging easy by his side, now outstretched, now uplifted, now waving with grace, or striking with the vehemence of passion; his finger pointing where his piercing thoughts direct; the easy, or quiet, or violent movements of his whole frame; the bending of his body forward, or sidewise, or backward; the downward or upward look; the composed, or suffused, or impassioned countenance; the watchful, shifting glances, taking in the field of vision, and making each one feel, that he is seen and individually addressed; the theme; himself; his audience; his fame; his position on the subject in debate or under discussion; his relation to the assembly or body before him; the respect and esteem in which he is held by them; his dignity, courtesy, deference; his disinterestedness, his philanthropy, his patriotism;—*all* these, and many others that might be named, are among the attributes of Mr. Clay's eloquence, and appertain to that accumulation and concentration of influences, which have given his popular harangues, his forensic efforts, his various public addresses, and his parliamentary speeches, so much power over the minds, the hearts, and the actions of his countrymen.

PURITY OF DICTION can not be separated from the attributes of Mr. Clay's eloquence. It is not less true, that language, properly selected and composed, is eloquent, than that sentiment and passion are; and the eloquence of passion depends on that of diction. Passion may even be spoiled by its dress, and lose all its force. Purity of diction is to thought, sentiment, and passion, as the well-made toilet of a lady is to her charms. It is a transparent medium, through which the observer looks into the soul, and beholds all its movements. When the diction is pure, all occasions of criticism,

as to dress, are absent, and what is in the mind and heart of the speaker, passes directly into the mind and heart of the listener. The effect of pure diction is the same on the clown, as on the scholar. The former can not criticise, if he would; the latter rejects his prerogative; and both are lost in satisfaction, if both are interested in the subject, and otherwise equally attracted. But if the language were not pure, both would feel it, though possibly but one could point out the defect or blemish. Nature, in the rudest state, however, is often endowed with the highest attributes of criticism. A much-admired painting of a peasant-girl, feeding the pigs, had sustained the severest scrutiny of connoisseurs, with triumph; but, when a negro slave, used to that business, looked at the picture, and exclaimed, "Who ever saw pigs feeding, without one foot in the trough?"—the painting was thenceforth good for nothing! The best test of Mr. Clay's language, both in colloquial and rhetorical applications, is, that it is suited to all classes of persons.

FAITH in the validity and sincerity of Mr. Clay's own convictions, arising not less from faith in his general character, than from the artless and feeling manner of his utterance, carries with it an irresistible influence. All who hear him, are fully persuaded, from what they know of him, and by his manner, that he himself *believes* what he says. Their surrender of opinion and feeling, therefore, or their acquiescence, is measured only by their will, or their interest, or their confidence in his judgment, or by a combination of such influences. No small part of the eloquence of Mr. Clay lies in this faith, which is a moral bond between him and those whom he addresses, dissolving in a common crucible the feelings of the two parties.

CLEAR and LUCID REASONING claims great consideration, as a controlling attribute of his eloquence. Other adventitious, and not unimportant advantages, already noticed, have contributed to the effect of his reasoning powers, but have only been auxiliary to their sway over private individuals, popular assemblies, courts, juries, and the legislature of the nation. Sentiment, with Mr. Clay, though he delights in it, is always subject to reason; and the reasons are in advance of the sentiments, sustaining the relation of cause to the effect. Sentiment, with him, is always under discipline, and is often suppressed, to give more effect to the reasoning. In his speeches on the emancipation of South America, in 1818, there never was a finer field, or more provocation for sentiment; but it

only gleams out now and then, where it could not easily be suppressed. He had a task before him. As the champion of the rights of man, he was, in this great enterprise, the leader before the world. Not only were the advocates of freedom in Europe silent, with this spectacle of the struggles of a continent for liberty before their eyes, but the executive and the Congress of the United States were at that time opposed to this philanthropic, chivalric movement of the great American statesman. They were not in the mood to entertain the sentiments appropriate to the occasion. Mr. Clay, therefore, put forward reason after reason, in thick array, piled fact upon fact, and placed them in such relations, that each cast light on every other, presenting a concentration, a mountain of cumulative evidence, irresistible to all but those who had made up their minds another way. They were *convinced*, but the effect of *persuasion* did not appear till two years afterward. Mr. Clay knew what would be the fate of his motion at that time; but he was reasoning for the future. There are many places in these speeches, where one would expect to see feeling, in such a man, burst through all restraints. The manifesto of the congress of the United Provinces of Rio del la Plata, published in 1817, and read by Mr. Clay on this occasion as part of his argument, was a most seductive platform, from which to pour forth a torrent of sympathy and national fellowship. Mr. Clay, however, left it to speak for itself, without a word of comment. And he judged right, that it was sufficiently eloquent in its own terms. Onward, right onward, he pursued his march of pure reasoning, and the development of facts. He was sowing seed for a future harvest, and reaped it in 1820 and 1822.

It would be impossible to point to any of Mr. Clay's speeches, which are not examples of the eloquence of reasoning. But those on the protective policy, particularly those delivered in the house of representatives in 1824, and in the senate in 1832, are in the front rank of his admirable and enduring fabrics of this description. They ride the rolling deep of political agitation, like an armed squadron, pouring forth their thunders on all sides, invulnerable to opponents, and forcing all considerate foes to strike, or sinking them in the abyss. As much as the questions involved in this great branch of the American system, have been debated, since those speeches were delivered, not a single idea, comprehending a PRINCIPLE, has been started, which is not to be found there. So mature, so comprehensive, were Mr. Clay's views, that he seems

o have exhausted the subject, and made the task easy for his successors. He entered the field a pioneer, and cleared it.

Mr. Clay's speech of March 15, 1818, on internal improvement, touching the constitutional question, stands unrivalled as a specimen of the captivating power of reasoning. The mind is led by a charm, and wonders that there can be so much beauty in mere ratiocination. Courtesy to opponents is so blended with modest statements, in simple and pure language, and with an overwhelming concatenation of argument, that one does not think of the perfect confidence of the orator in his position. The strength of the master is entirely concealed. With an air of indifference, he gains an easy and certain victory. Without appearing to have any weapons in hand, he scatters all opposition from his path, and clears the field. Surrounded with light, he pours light upon all others, and diffuses around him a captivating influence. An opponent, charmed by the respect shown him, might feel a delightful sensation from the blow that lays him prostrate. President Madison, President Monroe, and some others, had all the benefit of this kind treatment. There is no burst, not a gleam of sentiment. It is pure reasoning, in a path of light, that attracts all, and inclines them to come and bask in its beams. The federal constitution, which comes out of most hands an unsolved problem, in its bearings on these controverted questions, puzzling so many heads, is so explained and applied by this skilful master, that a child might understand it.

But the most overwhelming parliamentary argument made by Mr. Clay, extant, is, perhaps, his speech on the subtreasury scheme, delivered February 19, 1838. Many are his powerful, gigantic efforts, that will not die, and none of his speeches can be read without an impression of their logical, convincing force. But this one stands like the tallest pyramid in the Egyptian sands, when regarded as an enduring structure, and like Atlas for its firmness and imposing aspects. It is a novelty, on a novel occasion. History never before demanded precisely such an argument, and will probably never again furnish an exactly similar occasion. Things like it have been, and will be. When the scheme was first brought forward, at the extra session of 1837, Mr. Clay was, of course, obliged to encounter it. But the weight of the subject, lying upon his mind five months longer, fraught, as he believed the project to be, with the most momentous consequences, brought forth this

truly amazing effort. To describe it, would require powers equal to those which produced it.

Mr. Clay's reasoning is, on all occasions, the foundation and body of his eloquence. He takes his station under the sunlight of a cloudless noon, and whatever he attempts to show, is seen. It is also felt, so far as the occasion requires. If the will of his audience is opposed, it may not be followed; but he has done all that eloquence could do. All Mr. Clay's public debates, and all his colloquial engagements, are characterized by the same feature of lucid reasoning—not a part, not a word, not a thought, appears, that would obscure or embarrass other parts, other words, other thoughts. Simplicity, completeness, perfection, are the characteristics of his reasoning—just enough to prove the point, and no more. It is reasoning, chiefly—in other words, *mind*—that has given Mr. Clay his reputation and influence, as an orator and debater, though it fortunately happened, that he was possessed of nearly all other endowments, most required to give effect to this.

But there is another attribute of Mr. Clay's eloquence, which, on occasions befitting its display—or when, with him, it is impossible it should not appear—which imparts potency to all others, and is itself most potent of all—a TOTAL ABSORPTION, for the time being, in the theme of discussion, when he is impassioned. In a conversation between the author and Mr. Clay, about his reply to Mr. Rives, of Virginia, August 10, 1841, touching Mr. Tyler's veto of the bank bill, which was one of the impassioned class of his speeches, Mr. Clay said: "I do not know how it is with others, but on such occasions, I seem to be unconscious of the external world. Wholly engrossed by the subject before me, I lose all sense of personal identity, of time, or of surrounding objects." This indicates a state of mind with Mr. Clay, when thus excited, which is very uncommon, if not altogether peculiar. It would seem like a conversion of the animal into the spiritual—as if the whole man, for the time being, were *spiritualized*—as if he were *all mind*. He is for the moment unconscious of that external world, with which the animal economy and its faculties are usually conversant. It is *absorption*, mounting into *abstraction*—an isolated state for the occasion. It is not, therefore, strange, that a man of such endowments, when all his powers and faculties, corporeal as well as mental, are *absorbed* in a single theme—when his mind takes possession of his body, and the whole man is *spiritualized*—should produce a prodigious effect on an audience of fellow

beings, who, sympathizing, are measurably carried into the same field, and forced to have like feelings. It is a settled maxim, that an orator must have feeling, to produce it. It is also known, that the more he feels, so much the more will his audience sympathize. But when he becomes all feeling, from the core of his heart to the surface of his skin, from the crown of his head to the sole of his foot, gushing out through every pore, and expressed through every organ—when body and soul seem to be all soul—one spiritual essence—then is the sway of the orator complete. It is this species of transient existence, commonly called *absorption*—but with Mr. Clay, on such occasions, *entire* absorption—which seems to have been the state of his feelings, in his greatest and happiest efforts. With this explanation, it will not be a wonder, that, on a variety of occasions, running through nearly half a century, Mr. Clay has produced such great effects by his eloquence. Many may have heard him, when he did not come up to this high pitch of absorption and exertion. It could only be, when the occasions produced the necessary amount of excitement in the speaker.

Many persons are still living in Kentucky, who heard Mr. Clay's early popular harangues in that state, when he was a stripling. Some of them mention with pride, that they helped draw out the cart, which he spoke from, in a street of Lexington, in denunciation of the alien and sedition laws, at the early age of twenty-one years, when his fame first burst forth upon the public, and attracted the attention of the whole country. The admiration then felt, is rekindled by the rehearsal of the story. His forensic efforts in Kentucky, especially in criminal causes, were often exceedingly effective. The halls of Congress have, on many occasions, witnessed the surpassing power of his eloquence. But some of his best efforts there have been lost, by not having been reported, as is also the fact in regard to numerous brilliant speeches in other places.

In 1822, a commission, composed of Mr. Clay and Mr. Bibb, was appointed by the legislature of Kentucky, to confer with the legislature of Virginia, for the adjustment of long-standing difficulties between the two states, in regard to land titles. When Kentucky was a part of Virginia, the mother commonwealth had neglected to make suitable regulations for the first occupants of her western domain. The consequence was, that emigrants, moving over the mountains, and settling down on the vacant, wild, and unsurveyed lands, after having established themselves well in

the world, and got their families about them, were surprised by other claimants of their farms, and driven from them by actions of ejectment, when their vigor was too much exhausted to begin the world anew. It was a hard lot.

Mr. Clay has always manifested great sympathy for the pioneer of the wilderness. On this occasion, he represented his neighbors and friends, many of whom, by this means, had been robbed of their all, and he felt for them deeply. Besides this, on his way to the capital of Virginia, he had visited his native "slashes," in Hanover county, walked around the grave of his venerated father, rekindled the feelings of his childhood, and felt, that he himself had been a pioneer in the far west, and that he had advanced his fortunes, such as they were, by his own prowess and enterprise. When he appeared before the legislature of Virginia, he depicted, with a glowing pencil, the hard fate of those, whose cause he came to plead, and whose misfortunes were the result of neglect in the parent state. He gave the history of the pioneer, from the time of his emigration westward, till he had acquired a comfortable independence;—that, as an enterprising, but poor man, he had gone over the Alleganies, with nothing but his own stout heart and strong arm;—that he had encountered exposures to wild beasts, and to the insidious wiles of the savage;—that, in reliance on the faith of the commonwealth of Virginia, he had chosen his lands, cut away the forest, erected his cabin, married his wife, reared his family, and *imagined*, that he was lord of his own domain; and that, sitting there, with all needful things about him, rich as his heart desired, his flocks and herds grazing in his fields, his children joyous, and the wife of his bosom partaker of all his proud satisfactions, in possession of an adequate inheritance for their offspring, they are suddenly notified, that this estate is not theirs, but *another's!* In this way, Mr. Clay painted in lively colors the hardships and sufferings of the western pioneer; his separation from the spot of his birth, from his early neighbors, his friends, his relations, *the graves of his ancestors;* his removal to a distant wilderness, full of perils, and his privations. The feelings of his audience, and his own feelings, were deeply affected. In the progress of this appeal, a faint reminiscence of some lines of the bard and romancer of North Britain, struck his mind, and he began to quote them:—

"Lives there a man—"

But his memory, which rarely failed, was this time at fault. He

paused a moment, closed his eyes, and pressed his forehead with the palm of his hand, to aid his recollection. Fortunately for him, his audience supposed that this pause and act were occasioned by the depth and power of his emotions, which certainly were deep and powerful, and so were theirs. The lines came to him in good time, and when he pronounced the words in the most feeling manner—

> "Lives there a man, so cold and dead,
> Who never to himself hath said,
> This is my own, my native land?"—

there was a profound sensation pervading the assembly, which was manifested in many instances by involuntary tears.

It is natural to suppose, that Mr. Clay's visit to the "slashes of Hanover," and to his father's grave, after more than twenty years' absence, had much to do with the feeling he manifested on this occasion. Fresh from that hallowed spot, and furnished with all the recollections of an experience of a whole generation among the western pioneers, he rose to discharge his errand, from the legislature of Kentucky, to that of Virginia. It is an instinct of nature, a wise provision of the Creator, accommodated to man, in his narrow sphere, that his earliest, most enduring, and controlling affections should have a lodgment in and about the place of his nativity The home and the graves of his fathers give birth to the most tenacious sentiment of his being. As the mind and heart of the child expand, still clustering around his natal altars, and bound to them by indissoluble ties, he takes in a wider range of society, of man, and of things. The boy finds an interest in the little commonwealth of his school-fellows; the youth extends his views yet further, and enlarges the circle of his affections; and the man launches forth on the broad field of the world, but never forgets where he was born and cradled, nor the grave where his father sleeps.

In 1824, a bill was pending in the house of representatives, while Mr. Clay was speaker of that body, for pensioning the mother of Commodore Perry. While it was under debate in committee of the whole, it appeared as if it would pass by acclamation. Some one of its supporters had urged, in its behalf, the fact of national ingratitude toward military and naval commanders. Struck by this charge, and impelled by a sense of duty, Mr. Clay rose in opposition to the bill. It is to be regretted, that tradition

alone has preserved any account of the remarkable speech, which he made on that occasion. It was doubtless one of the most effective, as well as one of the most splendid efforts of his whole life. From a gentleman, the Hon. Mr. Lee, of Maryland, who was a member of that house, and present when this speech was delivered, the author has been made acquainted with a few of its thoughts, which were communicated by the narrator, as if he were still under the thrilling power of the speech itself, although twenty years had intervened.

"What," said Mr. Clay, "is to be the rule or limit in granting pensions? For the first time, he believed, it is now proposed, not to extend them to the wife or to the descendants, but to the *mother* of a gallant officer. And we are pressed to do this upon the ground of habitual national ingratitude toward those who engage in the defence of the country! The annals of all countries attest how destitute of foundation this imputation is. Look to the ample endowments made by England to Marlborough, Nelson, Wellington, and others; and to the honors bestowed, and the sacrifices made, by France, to Napoleon, to say nothing of less distinguished chiefs, or what has been done in the United States. The successful military or naval commander is almost the exclusive subject of story, of song, and of praise. Historians, orators, poets, sculptors, and painters, vie with each other, in their respective vocations, in recording, illustrating, proclaiming, and perpetuating his name, his person, and his deeds of renown. How different is the fate of the statesman! In his quiet and less brilliant career, after having advanced, by the wisdom of his measures, the national prosperity to the highest point of elevation, and after having sacrificed his fortune, his time, and perhaps his health, in the public service, what, too often, are the rewards that await him? Who thinks of *his* family, impoverished by the devotion of his attention to his country, instead of their advancement? Who proposes to pension him—much less his *mother?* No, sir, while we ought, indeed, to be just, generous, grateful to our defenders, they are not the only class of meritorious public servants; and all history is false, if there is not often an excess, rather than a defect of public gratitude, toward military and naval heroes."

Of course, this is but an imperfect sketch, even of the thoughts here disinterred from the grave of time, by the reminiscences of one who heard them. Doubtless there were other passages, not less striking, and far more thrilling in their power, judging from the effect produced by this burst of eloquence It was electric

Instead of an overwhelming majority for the bill, there appeared now to be almost an unanimous feeling against it. A distinguished member of the house, who had favored the bill, remarked, as soon as Mr. Clay sat down, to the gentleman named above, as the author of this information, "It was a thumper, such as I never heard." An eloquent member from South Carolina, after Mr. Clay had resumed the speaker's chair, and the bill was reported, endeavored to rally the house in support of it, but his effort was vain and fruitless.

The soldier's fame is usually acquired by the overthrow o states and empires, by the pillage and conflagration of cities, by the groans of the dying, by the sorrows of bereaved ones, and by the impoverishment of mankind; the statesman's, by the diffusion and multiplication of blessings to all, of every kind, and in every relation. The soldier's profession is a necessary evil. He may be useful, and deserve praise. The sword of Washington was drawn for his country, for freedom, and he is therefore honored, but his greatest honor, the foundation of his spotless reputation, was his voluntary resignation of the position he had gained by his military achievements. It is not as a soldier, that the world bows before his name; but as a patriot. The soldier is a DESTRUCTIONIST; the statesman's functions, properly exercised, approximate to the beneficent labors of the Deity. If the patriot-soldier deserves a statue, the patriot-statesman deserves a monument. Washington was both, and the honorary rewards of each have been accorded to him—though but poorly worthy of his great name. It will yet be seen, that Mr. Clay has at least proved himself a patriot-statesman. Nevertheless, it did not occur to him, in the utterance of the speech above alluded to, that he was pleading his own cause. The act itself was one of the proofs of his patriotism; and in it was exhibited one of the most powerful attributes of his eloquence—*absorption in his theme.* It was one of those impromptu effusions, called forth by a startling thought, or by an unexpected and exciting occasion, in which the man appears all soul, and which, if not Mr. Clay's sole patent, are rarely exhibited by others with equal power and effect.

Among these lost speeches of Mr. Clay, the memory of which lives while they who heard them live, and the thought of which awakens to new life the feelings they produced, was one delivered at Lexington, as late as May, 1843, the occasion and history of which are as follows: After Mr. Clay had retired from the sen-

ate of the United States, in 1842, till the next year, during which time it was expected that he would be nominated for president in 1844, great efforts were made in Kentucky, and throughout the Union, by his political opponents, not only to vilify him, but to bring into odium the twenty-seventh Congress, which was the last in which Mr. Clay had had a seat as a senator, and the endeavors of which were chiefly directed to establish the policy and measures called for by the political revolution of 1840. Mr. Clay was virulently traduced by some base persons in Lexington and that neighborhood. As a perpetual dropping wears a stone, so these incessant attacks, though false and foul, and known to be such, if unnoticed and unrepelled, might produce injurious effects on the common mind. He, therefore, resolved, and caused a notice to be published, that he would meet his fellow-citizens of Fayette and the adjoining counties, at Lexington, on a day specified, to repel these charges. His friends, whom, on this occasion, he had not consulted, regretted the step, as being unnecessary. They thought these attacks unworthy of notice. This difference of opinion was painful to Mr. Clay, and no doubt contributed not a little to that depth and power of feeling, which he manifested on the occasion. The notice brought together a great concourse of people, whom no place, but the public square, could accommodate. The patriarch-statesman was to appear before his old friends and neighbors, of forty years' standing, *once more*, *and for the last time*, in that capacity, in which he had not been heard for many years, and in which no one ever expected to hear him again. And it was the vile tongue of calumny, that was to be encountered.

The following account of this address was furnished for the author, by a highly-respected fellow-citizen of Mr. Clay, and the words of the opening, as quoted, are exact. When Mr. Clay rose, he was evidently much excited. He commenced by saying, with marked emphasis—"Fellow-citizens: I am now an *old man*—*quite* an old man." Here he bent himself downward. "But yet, it will be found, I am not too old to vindicate my principles, to stand by my friends, or to defend myself"—raising his voice, louder and louder, at each successive member of the sentence, and elevating his person in a most impressive manner. He then proceeded:—

"It so happens, that I have again located myself in the practice of my profession, in an office within a few rods of the one

which I occupied, when, more than forty years ago, I first came among you, an orphan and a stranger, and your fathers took me by the hand, and made me what I am. I feel like an old stag, which has been long coursed by the hunters and the hounds, through brakes and briers, and o'er distant plains, and has at last returned himself to his ancient lair, to lay him down and die. And yet, the vile curs of party are barking at my heels, and the blood-hounds of personal malignity are aiming at my throat. I SCORN AND DEFY THEM, AS I EVER DID."

When he uttered these last words, he raised himself to his most erect posture, and elevated his hands and arms, wide extended above his head, seeming to have nearly doubled the height of his tall person. The effect was overwhelming—indescribable.

To have any approximate idea of the effect of this speech, which continued for hours, fully sustained throughout, in vindication of the twenty-seventh Congress, of whig policy and principles, and in defence of the orator himself, against his calumniators, one should have a view of all the attributes of eloquence ascribed to Mr. Clay in this chapter, the use of scarcely one of which was wanting on that occasion. Nor should it be forgotten, that he was then sixty-six years old. It may be asked, if any orator can be named in all history, who ever produced such an effect, in so few words, and those the mere exordium of his oration? They all *knew*, that what he said was *true*. "I am an old man." Didn't they know that? And the moment he said it, they began to weep. When he pointed to his present office, and to the place of the old one, a few rods distant, they all knew *that*. "I came here, more than forty years ago, an orphan and a stranger." They knew *that*. "Your fathers took me by the hand, and made me what I am." It is impossible to conceive of the effect of this. They wept like children, and only wished they could do as much They could at least stand by him. "I feel like an old stag." Now he is speaking to Kentucky hunters. Their ears are all erect for what is coming. And by the time he had gone through with the figure, and its application, the struggle between the sympathy which streamed from the eyes of some, and the indignation which clenched the fists of others, of that vast multitude—all knowing it was all true, every word of it—was like the throes of a mountain in agony. A part of the sublimity of the spectacle consisted in a concern, what might be the fruit of such passion. For some of his defamers were present. But when Mr. Clav

rose, in all the majesty of his own loftiness, threw his arms on high, and his voice out into the heavens—he stood under its canopy—and said, "*I scorn and defy* them, as I ever did," they dashed away their tears, and resolved to be as stout of heart as he, and to vindicate his honor. A reply was expected. But prudence got the better of the purpose.

Many of the lost speeches of Mr. Clay are among the most effective he ever delivered. None of those uttered by him during the agitation of the Missouri question, are preserved; and it said, that he spoke between twenty and thirty times. He was the master-spirit of that exciting and thrilling debate, and was alone the cause of the settlement of a question which shook the nation to its foundations. Some of those addresses have been spoken of as exceeding in power and effect anything Mr. Clay ever did. All his speeches, social, popular, forensic, and parliamentary, from the beginning to the end of his career as an orator and debater in these several spheres of action, if they had been preserved and collected, would make a small library. The best compilation ever published, is that by Daniel Mallory, New York, 1843, 2 vols., containing eighty in all, beginning with his speech in Congress, in senate, April 6, 1810, and ending with his address to Mr. Mendenhall, October 1, 1842. The largest portion of them were speeches delivered in Congress, on great public and national questions.

CHAPTER V.

MR. CLAY'S PROFESSIONAL CAREER.

It will have been observed, that Chancellor Wythe was chiefly instrumental, in inciting his young protégé to the study of the law; that he guided his studies for the term of four years; and then so arranged matters, as to bring his pupil under Attorney-General Brooke, as an attorney's clerk and a candidate for admission to the bar. These five years, in such relations and with such advantages, constituted Mr. Clay's academical and professional educa tion. The concurring influences of the chancellor's paternal promptings, his own ardor in a course of reading that suited his genius, and the constant practical exercise of his pen in the most profound legal investigations, as an amanuensis, could not have been a bad school of preparation for his year of entire devotion to the study of law in the office of the attorney-general. From the known character of his mind, it can not be doubted, that the attainments he made, both in academical and legal learning, during this period, were rather beyond, than short of, the acquisitions, with which young men usually enter upon the practice of law, after having graduated, first at an academical, and then at a law school. The society, the example, the advice, and the kindness of those distinguished individuals, with whose acquaintance, and to some extent intimacy, young Henry Clay was honored, at Richmond, were powerful incentives to his exertions.

Nevertheless, Mr. Clay devoted himself some months after his arrival in Lexington, to the further prosecution of his legal studies, before he asked for admission as a practitioner in the Fayette court of quarter sessions. It was perhaps because of his diffidence in coming to the same bar with George Nicholas, John Brackenridge, James Hughes, James Brown, William Murray, and others, a phalanx of formidable competitors, either of whom would have stood high at any bar in the country.

It was during this private pursuit of his studies, that he became a member of a young men's debating club at Lexington, and of his participation in the exercises of which, the following anecdote is narrated: One evening, a question that was under discussion, was about to be put, when Mr. Clay, who as yet had taken no part in the debates since he joined them—had not indeed in any form been known as a speaker in Lexington—was heard to say, in a low voice, that he did not think the question was exhausted. The slight acquaintance he had made, had gained him respect, and raised expectation. To hear him speak, on such an occasion, was the very thing that was desired. Immediately, several who heard his remark, rose simultaneously to call on the chairman: "Don't put the question yet. Mr. Clay will speak." Probably he had not intended to speak, but now all eyes were turned to him, and he was obliged to rise. "Gentlemen of the Jury," said Mr. Clay. Perceiving his mistake, he became confused. But, encouraged by the politeness of the chairman, and of his fellow-members, he began again: "Gentlemen of the Jury." At last, however, he became more self-possessed, spoke to the question, to the delight and admiration of the club, and was cordially and loudly cheered. James Hughes, Esq., above named as a member of the Lexington bar, who was present on this occasion, always insisted, during his life, that this was the best speech Mr. Clay ever made. It is certainly remarkable, that, after having acquired such a reputation as the leader and star of the rhetorical society at Richmond, he should have been so embarrassed on rising to speak in this club at Lexington. But he had now entered a new field, where all his fortunes for life were pending, and naturally diffident, as all know, who are acquainted with him, even through life, he was for a moment not himself. He trembled for his fate. It is manifest, however, that, if he had not acquired the esprit du corps of the legal profession, he had at least thought of a JURY. As the stump orator thinks of nothing but "Fellow-citizens," and as the parliamentarian, or M. C., naturally cries out, "Mr. Speaker," whatever assembly they may happen to be addressing, so the ambitious young barrister, who has been long time dreaming of the importance of getting a verdict in his favor, rising unexpectedly and in embarrassing circumstances, though he were speaking to a company of ladies, or delivering a funeral oration, might be excused for opening with—"Gentlemen of the Jury." They who have been acquainted with Mr. Clay's perfect self-command in after life

(which is not inconsistent with natural diffidence), in whatever position he has been placed, private or public, on the stump or in a court of justice, in the office of diplomacy or in the senate of the nation, will be not a little amused at this betrayal of an innocent human infirmity. And they who have quailed before his great powers, envied his exalted gifts, and perhaps hated him for his superiority, will not be very sorry to find one evidence of a common humanity.

Allowing Mr. Clay to have been sincere—as doubtless he was—in the brief review of his early history, cited in the first chapter, from his speech at Lexington, in 1842, where he says, "I remember how comfortable I thought I should be, if I could make one one hundred pounds, Virginia money, per year, and with what delight I received the first fifteen shillings' fee," it is convincing evidence of his total unconsciousness, at that time, of his own superior powers, and that his expectations were not only moderate, but that he was even anxious how he should succeed in obtaining a livelihood, in paying his "weekly board." It is not less evident, by his next remark, on the same occasion, made in the presence of thousands, who were themselves witnesses of the facts, that he no sooner began his professional career, than he found as much business as he wanted, or could do. "My hopes were more than realized. I immediately rushed into a successful and lucrative practice."

Notwithstanding it may be assumed, that Mr. Clay had, by his industry and application, acquired a good knowledge of law—more, probably, than is common in an equal term of study—yet, it was not legal attainments alone, nor chiefly, which put him so suddenly forward, and gave him such reputation, at the bar. It was not alone his client's case, as it involved questions of law—all which were generally easily mastered by him—but it was rather, and more especially, his intuitive discernment of all its relations, as allied to the sympathies of human nature, which gave him such ascendency and power over courts, juries, and the common mind. It was a quick apprehension of how men feel in given cases and given circumstances, and how different characters view the same facts, that enabled him to carry men's minds with himself. It was not artifice, but honest judgment. Men's convictions are not usually abiding, when carried by trick, nor are they satisfactory at the moment of being entertained; but they yield to the slightest invasion, throw back the captive to an opposite opinion, and create

disrespect for the deceiver. But the perfect honesty of Mr. Clay's views was always evident to others, and for that reason, sympathetically and powerfully affected their minds. The convictions he has produced, whether on individuals, or in the public mind, have generally been abiding. This knowledge of the way into men's minds, and into their hearts, may perhaps be regarded as the secret of Mr. Clay's influence, though it can not be separated from those extraordinary attributes of true eloquence, which are vested in person, voice, countenance, and manner, in all of which, for the purposes of conviction and persuasion, Mr. Clay has been unrivalled, throughout his professional and political career.

As Mr. Clay's life has been chiefly devoted to the public, in the offices of legislation and government, it will be apparent, that his professional practice has not only been interrupted, but often, and for protracted periods, entirely suspended. Of the hundreds of cases, which have been confided to his management, in the various state and federal courts, during the progress of nearly half a century, the notice of a few will suffice to exhibit his character as a jurist and an advocate.

In regard to *civil* cases, one stands very prominent in the practice of his early life, which is a striking example of his intuitive recognition of the stronger points of a legal question, in connexion with facts involved in controversy. It was a case of great interest to the parties, and was tried in Fayette circuit, the county of Mr. Clay's domicil. It happened in the opening of the trial, that he was obliged to be absent, and leave the case in the hands of his associate counsel. Two days were occupied, after the evidence was concluded, in the discussion of points of law between his colleague and his opponents, which were to govern the instructions of the court to the jury, on each of which his colleague was foiled. As a consequence, the case was about to be submitted for a verdict against Mr. Clay's client. At that moment Mr. Clay appeared in court. He had heard nothing of the evidence, and knew nothing of the discussion which had been had on the points of law, which were to determine the case. Having solicited the indulgence of the court for a few remarks, and consulted a moment with his colleague, he exhibited a statement, as to the form of instructions, in which he wished the case should be submitted, so novel, and so entirely satisfactory to the court, as to destroy the argument of the opposing counsel; and in less than half an hour

after he entered the courthouse, the case was decided in favor of his client.

In 1819, the state of Ohio passed a law to tax the branches of the bank of the United States within her limits, with a view to expel the bank from the state. The tax was $50,000 annually on each branch, making no difference between the branch at Cincinnati, with a capital of $1,500,000, and that at Chilicothe, with a capital of $500,000. As the tax exceeded the profits of business, it amounted to an act of confiscation. The demand was of course resisted, and an injunction was obtained from the circuit court of the United States, to arrest execution by the state authorities. But the injunction was disregarded, and the first annual tax of $100,000 for the two branches, was forcibly obtained from the vaults of the branch at Chilicothe. The case, having been first heard and decided in the district court of the United States, against the state of Ohio, was carried by appeal, in 1824, to the supreme bench at Washington, Mr. Clay counsel for the respondents. It will be seen, that the question to be tried, was the constitutionality of the bank of the United States. This was Mr. Clay's appropriate field, equally as a lawyer and a statesman. His legal acquirements, and his knowledge of the federal constitution, were tasked to their utmost, and the skill he displayed on the occasion, was only equalled by his eloquence. It is needless to say, he was triumphant. The argument, pro and con, and the decision of the court, will be found in Wheaton's Reports, vol. ix. page 738.

As a matter of history, the fact is sufficiently notorious, that the lack of an adequate protective policy, after the war of 1812, for many years operated to bring the United States in debt to foreign parts, especially to Great Britain, by excessive imports. In the same manner, and for the same reason, as the channels of domestic trade then existed, there was a large balance against the west, in favor of the east, of the United States, constantly draining the former of its money. Europe drew from the Atlantic states, and these drew from the western states, and the currency of the country was almost annihilated. In this state of things, Kentucky, in 1820, attempted a great and hazardous experiment, in the establishment of the *Commonwealth bank*, with a nominal capital of two millions of dollars, based on the credit of the state, without a penny of money. There was, however, a substantial, it might

perhaps be called ample, security, in the pledge of the public lands of the state, worth from five to six millions of dollars. But there was nothing wherewithal to redeem the notes, except in the circle which brought them to the state treasury, where they were bound to receive them for all dues, in which current, of course, this currency ran, as there was no other open for it. The state was compelled to subsist on its own breeze of credit. It had sown the wind, and must reap it. Fortunate, that it was not forced to reap the whirlwind. The public lands, held liable for this currency, were in fact a substantial capital. The money was at first in good credit; afterward, by a panic, it depreciated rapidly, to a low price; but it rose again to par, was finally all redeemed, and the bank wound up. The state was benefited forty thousand dollars by accidents, which prevented the return of that amount.

It will not be surprising, that an experiment of this kind should have raised the question, whether the state of Kentucky had not violated the federal constitution, by issuing "bills of credit." The bank was a commonwealth institution, for the issues of which the commonwealth was responsible. Was not every note a state "bill of credit?" The supreme court of the United States, through Chief Justice Marshall, had previously pronounced a decision, in the case of Craig against the state of Missouri, which was supposed to involve the same principle, and it would be hard to show that it did not. If so, and if that decision was correct, the state of Kentucky was clearly in the wrong. The question was brought to the supreme tribunal in 1837, in a way not very creditable to the morality of the parties, Briscoe and others, inasmuch as they sought to be released from an obligation, for which they had received a consideration in full. If, however, they aimed only to try the question for public purposes, and not to avail themselves of a benefit, their course might wear a different aspect. Mr. Clay and B. Hardin, Esq., were employed for the bank of the commonwealth. Chief Justice Marshall, who had pronounced the former decision, supposed to involve this principle, was now no more. To expect to turn a court of such dignity and weight against itself, might seem presumptuous. But Mr. Clay took up his position: These notes were not bills of the state of Kentucky, but of a corporation created by it. If this could be maintained, there was an end of the argument. Every one knows how much such a cause depends on the ability of counsel. It was managed in masterly style, and it is sufficient praise to say, that the court were compel-

led to decide in favor of the bank, apparently against its former judgment. Mr. Justice Story dissented, and threw himself back on the decision pronounced by Judge Marshall. See Peters's Reports, vol. xi., p. 257.

In 1841, a case came up before the supreme bench, from Mississippi, involving interests to the amount of three millions of dollars, Groves and others against Slaughter. The state constitution of 1832 had prescribed, that slaves should not be brought into the state as merchandise, after May 1, 1833, allowing immigrants, however, to bring them in. As the constitution enacted no penalties, it was supposed to have only the effect of a mandate on the legislature to provide for the execution of this policy, which was neglected till 1837, except in the imposition of a fine. During the period of this inaction of the legislature on this clause of the constitution, vast numbers of slaves were brought into Mississippi from other states, apparently in violation of this article of fundamental law, supposed to amount in value to the sum above specified. The traders paid the fine enacted by the state. The plaintiffs in error, abovenamed, set up for repudiation of their debts for slaves, on the ground, that they were introduced unconstitutionally! They still held the property, but were willing to be excused from paying for it! It is not stated, whether this was the first example of repudiation in Mississippi, or whether it was the effect of example. Mr. Clay, Mr. Webster, and Mr. Jones, were associated as counsel for the defendants in error. The question was a complicated one, and in many of its aspects, seemed to open a way to the putting of three millions of property afloat, that nobody could tell whose it was. In view of this incertitude, Mr. Clay characteristically exclaimed, in the course of his argument, "Are they [the negroes] free? If free, it would be some consolation. But there is no freedom for such persons in Mississippi; and those who purchased them, and seek now to escape from paying for them, continue to hold them; and against moral rectitude, insist on their ownership, acquired in violation of the laws of Mississippi! It would be gratifying to those who love freedom—and who does not love freedom?—if the negroes were free." It will not be surprising, that, with the talents of Clay, Webster, and Jones, enlisted against this species of repudiation, it should have failed in the supreme court of the United States. This. too, was one of the occasions, in civil practice, when Mr. Clay dis-

played his transcendant abilities, in the happiest and most effective manner. See Peters's Reports, vol. xv., p. 449.

The first remarkable *criminal* case, in which Mr. Clay was engaged, was that of a Mrs. Phelps, wife of a respectable farmer, of respectable parentage, and not otherwise notorious for offences; but in this she stood accused of the crime of murder, in having killed her sister-in-law, Miss Phelps, with a musket, which, in a moment of passion, she seized, and fired, aiming at her sister, who instantly expired, after having exclaimed, "Sister, you have killed me!" The evidence of the fact was established incontestably, and no effort was made by Mr. Clay, acting in her defence, to invalidate it. The life of a woman, apparently forfeited to the law, was pending.

It has often been said of Mr. Clay, not without reason, by those who have known him longest and best, that he never engaged in a criminal cause for the sake of triumph, nor to disappoint justice, but to save life, or mitigate punishment—for the positive pleasure of helping those in peril, after having satisfied himself, that they had claims; and that, when once he has enlisted in a cause of such deep and profound sympathy, for reasons commending themselves to his heart, he is in earnest. This may easily be believed, from his character, before considered, as a man of feeling. He could not deny, that Mrs. Phelps had killed Miss Phelps, in the manner proved. But, the criminal was a *woman*. She was of a respectable family, the wife of a respectable man, who stood by her side. She had not before been accused of fault, so far as appeared. It was indeed a shocking crime. Peradventure, no one had been more shocked, than the perpetrator. In theory and in fact, passion is insanity—delirium. A dreadful crime had been committed, when reason was dethroned, and all the vice of the soul was in the ascendant. Penitence comes too late; nevertheless it comes. The wife and the husband are there, pleading for mercy—the latter forced to forgive the death of his own sister, by the hand of his own wife. Is there no exception to a general rule—no rescue from a common law? If the court and jury had been moved by any such appeals, to make an exception, where could they stop? They waver, by the pleadings of the advocate, and the advocate prevails, not only to save life, but to obtain a mitigated punishment, which contemplates the restoration of the unhappy woman to her husband and family.

It has never been averred, that the court, or the jury, or the public, were afterward dissatisfied with this decision. The advocate convinced all, that it was proper. What shall be said? That he made and dictated law for the occasion? It would seem to be an anomalous verdict. Such is the power of man over man, in the action of the machinery of the social state. It was the machinery of the law; but the product was a novelty. Mr. Clay, though young, had already acquired much fame in civil suits. It is needless to say, that the result of this trial, which had so naturally and intensely interested the wide community, established his reputation as a criminal lawyer.

Not long after this, Mr. Clay was engaged to defend two Germans, father and son, in Harrison county, who were indicted for murder in the first degree, and of very aggravated character. The evidence of the fact, as in the case of Mrs. Phelps, left no room for doubt. Not hoping to prevent a verdict against the prisoners, Mr. Clay's first object was to save life. After five days' struggle with the counsel for the prosecution, he obtained a verdict for manslaughter. He then surprised the court with a motion for an arrest of judgment, and after an argument protracted for a whole day, the court was forced to grant it, the consequence of which was a discharge of the prisoners! A remarkable incident of this trial would have been sufficient to commemorate it, apart from its extraordinary and unexpected result. The wife of one, and mother of the other, of the two prisoners, had been a spectator of the trial, in a retired part of the court-room, with an interest that may more easily be conceived than described. When advised of the final decision, she rushed through the crowd and over the bar, in presence of the court, threw herself on the neck of the deliverer of her husband and son, and clung to him so earnestly and so long, that he was forced to disengage himself with a degree of violence. It was a touching scene of nature, well worth witnessing, though not perhaps very much coveted by the object of these grateful effusions. It was in fact a handsome young man, in the arms of a not very handsome old woman; but the moral of that spectacle was an ample equivalent for the otherwise unnatural conjunction. It is besides an evidence of the power of Mr. Clay's eloquence at that period. The old lady had witnessed and heard all, knew to whom and to what she was indebted, and therefore bounced upon him with irrepressible emotion. In ordinary circumstances, the

scene would have been ludicrous; but, in such a case, it could not be looked upon with other feelings than those of sympathy and respect.

The next case, in the history of Mr. Clay's defence of criminals, is that of one Willis, of Fayette county, who was accused of murder, also of peculiar atrocity. Mr. Clay succeeded in dividing the jury, so that they could not agree. A motion for a new trial, at the next session of the court, was heard and granted. Mr. Clay did not object to this course, but at the second trial, he startled the court, in his address to the jury, with the announcement of the principle, that no man could be twice put in jeopardy of his life for the same offence. The court interfered, and forbade the use of that argument, whereupon, Mr. Clay, in a dignified and respectful manner, declared, that he could not proceed, unless he were permitted to take that course—took up his bag and books, and retired. This decisive step threw all the responsibility on the court, who, apparently in doubt, or overawed by the character of Mr. Clay, sent a messenger after him, inviting his return, and informing him that he should be allowed to manage the defence in his own way. He accordingly went back, pressed the point on which he had been stopped, and on that ground, without any regard to the evidence, obtained from the jury a verdict of acquittal for the prisoner.

It is remarkable, that no person, put in peril of life, by process of the criminal code, ever invoked the aid of Mr. Clay, without being saved. The office of attorney for the commonwealth, had been frequently urged upon him, and in one instance he was induced to accept it temporarily, until he could get a friend appointed, who, he thought, merited it. But the first criminal case that fell into his hands, as prosecuting attorney for the state, was that of a poor, but high-minded slave, who had been respected and valued by his master for his pride and ambition; but, having been unfortunately left in charge of an overseer, a white man, in the master's absence, he was treated harshly, and at last, when struck by the overseer, he seized an axe, and killed him. In the case of a free man, this would have been manslaughter; but, being a slave, whose duty it was to submit to chastisement, it was murder, and the prosecuting attorney was obliged to treat it as such. The slave was sentenced to be hung, and died with a spirit of heroism and self-respect, that excited admiration. Mr. Clay resigned his commission in disgust, though the result would doubtless have

been the same, in a case so clear, in the hands of any other man, unless Mr. Clay himself had been the defender. That possibility, perhaps, was one of the grounds of his regret. He never ceased to reflect on the fate of this slave, but with sorrow.

The political misdemeanors of Col. Aaron Burr constitute a subject, which, in the United States, will never cease to be of considerable historical interest. Before noticing Mr. Clay's agency in defending him, on two several occasions, it may be proper to observe, that, some time previous to Col. Burr's first arrest, two gentlemen, by the names of *Street* and *Wood*, had removed from Virginia, to Frankfort, Ky., and established a paper, entitled "*The Western World*," in which they had imputed to several distinguished citizens of Kentucky a criminal design of alienating the western states from the Union, and annexing them to the Spanish dominions. There is not wanting evidence, that the Spanish authorities in the southwest had desired this, and that they had taken some improper steps. But the indiscriminate charges of the "Western World" implicated men, who were not only perfectly innocent, but eminently loyal to the Union, such as *Judge Innis*, who afterward brought a libel suit against one of the conductors of this paper, *Street*, and obtained exemplary damages, Mr. Clay having been engaged as counsel for the prosecution.

In 1806, Col. Burr was arrested in Kentucky, through the agency of Col. Daviess, district attorney for the United States, charged with criminal designs against the Union, and with getting up a military expedition in the west, for purposes then unknown but in violation of federal laws forbidding such enterprises. The people of Kentucky very naturally presumed, that this charge against Col. Burr was equally unfounded, as that which had previously been made against some of their own citizens, and were predisposed to sympathize with him. Mr. Clay, after having received from Col. Burr a plausible statement, and the most solemn assurances, of his innocence, and in view of what had before occurred of a like character, in regard to men known to be innocent, could but feel, that Burr might be an injured man, arrested and to be tried, in a state remote from his own, and remote from his friends, under a grave and weighty charge. Besides, that the laws and institutions of the country guaranty to an accused person, a fair trial and all just aids, it was an appeal to sympathy, to feelings of a high and chivalric character, and Mr. Clay generously

enlisted, assisted by Col. John Allen. Col. Burr sent them a liberal retaining fee, which was declined, as they were merely discharging the duties of hospitality to a distinguished member of their own profession, who had also been distinguished in the councils of the nation. The case was brought in the federal court at Frankfort. But the district attorney was unprepared with evidence, and no indictment was found.

Not long afterward Colonel Burr was arrested again in Kentucky, on the same charges, and again applied to Mr. Clay. It was certainly no slender compliment, that a man of Colonel Burr's sagacity and experience, should a second time request the aid of so young an advocate, about thirty years old, in a cause so momentous to himself, and involving questions that might puzzle the heads of the oldest and most skilful jurists—questions new and untried in the juridical history of the country, connected with the loftiest and most responsible department of federal jurisdiction. But Mr. Clay, having been recently elected by the legislature of Kentucky to the senate of the United States, to fill the place vacated by the resignation of the Hon. John Adair, felt a delicacy in complying with this second application of Colonel Burr, on account of his new and intimate relations to the general government, though there was no law against it. But Colonel Burr pressed his application with importunity, in a letter to Mr. Clay, of December 1, 1806, of which the following is an extract:—

"I have no design, nor have I taken any measure, to promote a dissolution of the Union, or the separation of any one or more states from the residue. I have neither published a line on this subject, nor has any one through my agency, or with my knowledge. I have no design to intermeddle with the government, or to disturb the tranquillity of the United States, or of the territories, or any part of them. I have neither issued, nor signed, nor promised, any commission to any person, for any purpose. I do not own a musket nor bayonet, nor any single article of military stores, nor does any person for me, by my authority, or with my knowledge. My views have been fully explained to and approved by several of the principal officers of government, and, I believe, are well understood by the administration, and seen by it with complacency; they are such as every man of honor, and every good citizen, must approve. Considering the high station you now fill in our national councils, I have thought these explanations proper, as well to counteract the chimerical tales, which malevolent persons have so industriously circulated, as to satisfy you, that you

have not espoused the cause of a man in any way unfriendly to the laws, or the interests of the country."

To say, that Mr. Clay's regard for Colonel Burr had not been disturbed by rumor, and this persistance of the government in renewing accusations against him, would probably not be true. But his well-known ingenuousness, and his easy susceptibility under an appeal of this kind, prevailed over his reluctance to engage in this cause a second time. An indictment was submitted to the grand jury, who returned it *not a true bill*, stating, that nothing had appeared in the evidence submitted to them, to justify the charges, or to excite further inquietude. This finding was received by the crowds of people assembled in the capitol at Frankfort on the occasion with great applause.

But when Mr. Clay went to Washington, to take his seat in the senate, an interview with the president (Mr. Jefferson) put this matter in a new light. Mr. Jefferson exhibited to Mr. Clay Col. Burr's letter in cipher, which had been transmitted by Col. Swartwout to General Wilkinson, commander of the army of the United States, containing a partial disclosure of Burr's criminal designs. It was doubtless mortifying to Mr. Clay, to be obliged to believe, that he and the people of Kentucky had been deceived as to the true character of Burr. He at the same time handed over to Mr. Jefferson Colonel Burr's letter to him, soliciting his professional aid, from which the above extract is taken.

In 1815, after the peace, Mr. Clay, on his return from Ghent, was entertained in New York, by public and private demonstrations of respect, for the distinguished and patriotic part he had acted, as one of the commissioners in the negotiation of the treaty, and on that occasion he one day encountered Colonel Burr in a court-room at the city-hall. Colonel Burr, doubtless, had taken pains to meet him. Having greatly changed in personal appearance, Mr. Clay did not recognise him, till he approached, and offered his hand. In view of what had transpired, in evidence of Colonel Burr's guilt, since they had last met, Mr. Clay instinctively refused to give his hand, raising it to his bosom, and thrusting it under his waistcoat. Colonel Burr, affecting not to notice the disrespect, said a few words, and then bowed himself out, after having intimated to Mr. Clay, that he would like to see him in private. Mr. Clay politely gave his address, but Colonel Burr never called. It is proper here to remark, that Colonel Burr had been arrested a third time in the south, on the same charges, was brought

to Richmond, Virginia, for trial, acquitted for want of evidence or defect of jurisdiction in the court; after which, he wandered some years in Europe, and returned to New York, to live unnoticed, and die unlamented. It is manifest, that he deceived Mr. Clay.

In the case of the commonwealth of Kentucky against Charles Wickliffe, for killing Mr. Benning, editor of the Kentucky Gazette, in Lexington, tried in 1829, Mr. Clay and the Hon. J. J. Crittenden were counsel for the defendant. The case arose from the following facts: Robert Wickliffe, Esq., the father of Charles, had been running for the legislature against John M. M'Calla, both of Lexington, during which time the latter had published in the Gazette an article defamatory of his opponent, over the signature of "*Dentatus*," which Charles proposed to resent for his father, but, being a minor by a few days, his father forbade it. As soon, however, as he came to his majority, he called on the editor, Mr. Benning, and demanded the author of "*Dentatus*." Mr. Benning asked time to consult the author, which was granted. M'Calla, naturally preferring that Benning should be exposed, rather than himself, told him, that he was not obliged to give up the author, that he might fall back on the privileges of an editor, and treat the demand with contempt. He advised Benning, however, to arm himself against the interview. Accordingly, when young Wickliffe called, Benning declined giving the author, advised Wickliffe to be content, and endeavored to intimidate him by saying, that, if he knew the author, he would be the last man he would wish to see. Whereupon an altercation ensued, and Benning flourished his cane over the head of Wickliffe in a menacing manner, when the latter drew a pistol, and shot him. At this moment, Benning was darting into an adjoining room, as Wickliffe supposed, to seize a musket standing in the corner, which Wickliffe had seen. When some persons rushed in to interfere, Wickliffe was standing with another pistol in his hand, waiting for his opponent, and said: "Keep back. Let him come with his gun." But Benning had fallen from the first shot, and soon after died.

The defence set up was *excusable homicide*. Mr. Crittenden preceded, adduced the law and precedents, and made an able and eloquent defence, which the intelligent spectators supposed had exhausted the argument, so as to leave nothing for Mr. Clay. To heir surprise, however, they saw Mr. Clay, when he rose, enter-

ing a new field. After a brief exordium, alluding to the facts, that it was a long time since he had been so engaged, and that nothing but the peculiar interest of the case, and his regard for the family of this unfortunate young man, would have induced him to appear on the occasion, he left behind him the entire field of argument, which had been so thoroughly explored by his colleague, and planted himself on the *natural right of self-preservation*—a right, he said, vested by the Creator in all animated being, on earth, in the air, in the waters—which was given to the first of our race, which all his posterity inherit, and which will abide to the last generation; and as a consequence of this right, that, whenever a man had just cause to believe that his life was in jeopardy, he was justified in slaying his antagonist, though it should afterward appear, that the danger was not real.

It can not be denied, that imagination was set to work in an argument of this kind; but it was imagination hovering over the nucleus of a sound principle, and lighting on a foundation as firm as the base of the hills. It was tasking this faculty of the human mind, given for use, with one of its legitimate functions—enticing and prompting it, in an appropriate exigency, to dive deeper than the organized forms of society, to rise higher, and to expatiate over a wider field, still keeping company with a principle, which every man finds in his own breast, as an ineradicable law of his being, and which he feels, knows to be right—*that he may defend his own life against impending violence.*

There was another point, on which Mr. Clay touched before the jury, constituting rather an appeal, than an argument, which, it has been represented, was overwhelming in its effect. It will be seen, however, in view of the whole case, as made by the evidence, that it was not only legitimate, but natural, and extremely forcible. It was the 4th of July, the natal day of American freedom, when Mr. Clay made this defence, and when the case was delivered over to the jury. The main point, which Mr. Clay urged, as already seen, was the *right of self-defence;* and it was made on the *evidence.* Here, then, according to the testimony, was a young man, who, most unfortunately, had killed an antagonist, to prevent being himself killed, which he supposed was the intention of his adversary, in his starting to seize a murderous weapon. This was precisely the principle, on which the Declaration of American Independence was founded. From the 4th of July, 1776, this anniversary had been a national jubilee—the joyous occasion of patri-

otic recollections—the day for every American to be glad in. The sun was bright, and everywhere, throughout the bounds of this happy Union, except in Lexington, a nation of freemen were celebrating the achievements of their forefathers, who rose in *self-defence*, not to *kill*, but to assert a nation's rights, the rights of man. *Here was a* CASE: For asserting these rights, this young man was in court, a prisoner—a prisoner on this blessed day—surrounded and filled with the gloom of anxiety, his parents and friends anxious, all anxious, whether, on this birthday of a nation's freedom—freedom, acquired at the peril of the honor, the fortune, and the *lives* of a whole people—whether he, the prisoner at the bar, who had only done the same thing, for the same object, should have a verdict of acquittal from a jury of freemen; whether he should go out, to smile and rejoice, under this smiling and rejoicing day, or whether he should be led, still a prisoner, and *condemned*, from this court to the jail, and from the jail to the penitentiary? "In his veins, too, runs the blood of all the Howards." His mother was a Howard, one of the best families in Kentucky.

The jury were absent but a few minutes, and by one o'clock young Wickliffe was free!

Mr. Clay spoke two hours and a half, and it has been represented by those who heard him, that he rose *above* himself, went *beyond* himself, astonished the court, the jury, the audience, and filled all with amazement.

Some of the graver passages of this effort of Mr. Clay, recited from memory to the author, by one who was present, and though doubtless imperfect, were certainly very striking, and not unworthy of the distinguished advocate. It is to be regretted, that such a labor of genius, prompted by the best, and addressed to the best feelings, should have been for ever lost, except in its immediate effect. One of the more humorous, sarcastic, ironical passages, the author is tempted to give, represented as follows: "Who is this redoubtable '*Dentatus?*' One would suppose, from the answer given to the just demand of my unfortunate client, that he were a Hercules in prowess, and a Cæsar in valor. Who is '*Dentatus?*'"—the manner and intonations of Mr. Clay, in putting this question, first in one way, and then in another, with unutterable significance, are represented to have been withering, annihilating. "Dentatus" himself was present, but, before the answer came out—the pause was as terrible as the question—"Dentatus" had vanished!—"Who *is* 'Dentatus?' Why, gentlemen of the jury"—

here Mr. Clay drew himself down from his erect posture, till half bent, reducing himself to the smallest possible dimensions, looking like a dwarf, bringing his palms together, and with a voice as diminutive as he himself seemed to be, coming out from lips planted n the focus of an indiscribably ironical countenance—"why, gentlemen, *it is nobody but little Johnny M'Calla!*" A gentleman of some prominence in Lexington, since that time a member of Congress, but then a youth, is represented to have said, that, during the pendency of this question, "Who is 'Dentatus?'" recollecting, that he had written something against the father of young Wickliffe, begun to suspect himself, dodged behind another person, in fear of the eye and finger of Mr. Clay, and muttered to himself, "I am not 'Dentatus,' but, if he says so, I am a dead man." When, however, to his great relief, "*Little Johnny*" dropped from the lips of Mr. Clay, he breathed freely again, was proud of his acquittal, rose and stretched his neck to see "*Little Johnny*"—for whom all other eyes were also searching—"heard the floor crack" where he had seen "Little Johnny" but a moment before, and lo! "Little Johnny" was invisible!

Charles Wickliffe was killed in a duel, some time after his acquittal, by George I. Trotter, who succeeded the unfortunate Benning as editor of the Gazette, and Trotter has since been an inmate of the insane hospital!

It may be presumed, that it will not be thought necessary to multiply examples of practice in Mr. Clay's professional life, beyond those already presented, to give an adequate idea of his skill and success in this career, or to establish his character as a jurist of the highest order. Having had in charge cases of almost every variety, both in civil and criminal practice, it can not be said, that his talents as a man, and his acquirements in the law, have not been severely tested; and having managed all these with consummate ability, and unexampled success, it is a natural and rather unavoidable inference, that he would have managed any and all other cases equally well. It may be said of him, that he has filled up the measure, and ranged through the entire scope, of the requirements of the legal profession, with honor and success; and that, too, while the greatest portion of his life has been consecrated to the affairs of state. The versatility of Mr. Clay's talents, and their power of adaptation to the exigences of his position, in all possible circumstances, will alone account for the fact, that he has

never been found wanting in any demand made on his powers or attainments, in his professional or public life. The clearness and celerity of his thoughts, in scanning a subject of speculation, or exploring the field of an argument, enable him to dispense with much of that time and labor, which turbid and sluggish intellects are compelled to avail themselves of, and his creative genius fishes up from the deep, or draws in from remote regions, or brings down from above, all necessary aids to his purposes. Not lacking industry, the perfect symmetry of his intellectual, moral, and physical organization, well and equally developed in all its parts, and capable, from his constitutional vigor, of extraordinary exertions, on all occasions putting in requisition his great powers, has left him without a rival in the practical pursuits of life.

CHAPTER VI.

MR. CLAY'S WIT AND OTHER BRILLIANT QUALITIES.

It is said, that the effect of wit is the unexpected discovery of a likeness in things unlike. Of course, wit itself is the faculty of making and presenting this discovery. The more unlike the subjects or things are, and the more forced and unnatural the resemblance, so much greater is the wit and its effects. It can not be wit, unless the likeness and unlikeness are observed simultaneously. It is a quick comparison of the two, which tickles the imagination, and produces the effect. Wit has an infinite variety of forms, and scarcely less numberless degrees of power:—at one time bursting the ribs with laughter, at another exciting less boisterous merriment, and sometimes producing only agreeable sensations. All sprightly and playful minds are more or less endowed with this faculty, and the general capability of appreciating it, supposes it is common to the race, though dormant in most minds, till roused by the more gifted to passive demonstrations. All can laugh, but it is not every one that can make others laugh. If wit commonly proves nothing in itself, it is yet a potent agent in quickening the mind to useful exercise. But in some cases, it proves much, and is not unfrequently the only and most effective mode of argument. The reasoning is not in its own display, but in the action of other minds excited by its promptings. It is at times conclusive, when the best reasoning would be all lost. It takes unreasonable and perverse minds by surprise, without leaving a chance of resistance or escape. All see and feel, that it is a conquest.

The sallies of this description, which constitute one of the prominent traits of Mr. Clay's character, are not adduced here, as being all of that precise denomination, commonly called wit as above described. They result, however, from various applications of the same faculty. Sometimes they assume the more grave character of sarcasm, irony, and satire; at others, they ap-

pear in the form of withering rebuke, or annihilating severity. Mr. Clay's wit is chastened and refined, and pleases and delights, more often than it astonishes. In his speeches and conversation, it is always ready to be employed, when discretion dictates. It is sometimes captivating, dazzling; at others, it mingles with the heavy artillery of argument, imparting to it a vividness and power irresistible. When sharpness or hard blows are not required, its illuminations, whether in debate or in the social circle, are almost constantly flashing out, like the sports of summer-evening lightning, which brings no thunder or storm. Its attractions claim and secure attention, and are not less instructive, than charming.

Tradition alleges, that Mr. Clay, in the early history of his professional career, was engaged for a client, who was extremely slow in paying his debts, and that a witness on the stand, who knew his habits, was hardly pressed by the opposite counsel, to answer on this point, so as to bring out the truth. Unwilling to injure his neighbor, more than was necessary, he said, "He is *slow*." Still pressed to say more, he still answered, "He is *slow*" —"and *sure*," said Mr. Clay, putting the words in his mouth. "Yes, sir," said the witness, taken by surprise. Of course, the witness could not afterward contradict himself, and Mr. Clay's client had the benefit of his evidence, according to the usual acceptation of the terms, "slow and sure;" though in fact, the man was sure not to pay. It was not quite fair, manifestly. But it may easily be conceived, that, to a mind like Mr. Clay's, the temptation was strong, for the mere sport of it, without intending unfairness, and that a moment's reflection would have repressed so mischievous a pun, in such circumstances.

The culprit, Willis, whom Mr. Clay had defended successfully from the charge of murder, as narrated in another chapter, was far from being a good citizen afterward, and would get drunk. Mr. Clay happened to meet him in this condition one day, when Willis cried out, "Here comes Mr. Clay, who saved my life."— "Ah, Willis, poor fellow," said Mr. Clay, "I fear I have saved too many like you, who ought to be hanged."

When Mr. Clay was a member of the Kentucky legislature, in 1805, while advocating the removal of the seat of government, then and still at Frankfort, he made a ludicrous comparison of the geography of the place to an inverted hat, "the body of which," he said, "was Frankfort, nature's penitentiary. Who

that got in, could get out? And if any one would have a just idea of its miserable tenants, look at those persons in the gallery!" pointing in that direction, with a sweep of his hand, that took them all in. Every eye was instantly turned, as challenged, to behold as ragged and forlorn a set of poor fellows, as could be found in the darkest dens of a city, scampering off in the utmost consternation, to escape the notice, which had been thus turned upon them. The whole house burst into a laugh, and immediately came to the conclusion, to scamper away from Frankfort, taking the seat of government with them. But, it would seem, they have never been able to get out of the hat. Nor could a lover of nature conceive why they should desire it. The surrounding heights, cut through by the beautiful river, Kentucky, are the just admiration of all strangers. Wit, however, is a dangerous weapon, and it was a long time before Mr. Clay himself could get out of the hat—not till, many years afterward, he had made a speech there, at a public dinner, put the hat right side up, and shown it was very beautiful.

A year or two after this, he made his first speech in the senate of the United States, on internal improvement, which did not exactly suit a certain member, who, being much Mr. Clay's senior, thought he could prove his opponent guilty of the crime of being a young man, and with affected airs of superior wisdom, fell on him with that intent, advising him to modesty corresponding with his years. In Mr. Clay's reply, he was tempted to quote the following lines:—

> "Thus have I seen a magpie in the street,
> A chattering bird we often meet,
> With head awry, and cunning eye,
> Peep knowingly into a marrow-bone."

The application of the manners of this sagacious bird, to those of the reverend senator, was too forcibly just, not to be felt even by himself, and it was a long time before he was disposed to display them again before the senate. Of course, he was wise enough afterward, to let the young man have his own way.

In the spring of 1815, after the signing of the treaty of Ghent, Mr. Clay met the celebrated Madame de Stael in Paris, who told him, that she had been doing battle for the Americans in London, during the war. Mr. Clay replied, that "the Americans had heard of her good offices, and were not ungrateful for them." Madame de Stael also informed him, that the British, while the

war was pending, talked of sending out the duke of Wellington to command their forces against the Americans. "I am very sorry, madam," said Mr. Clay, "that they did not send his grace." The lady, a little suprised, asked, "And why, sir?"—"Because, madam, if he had beaten us, we should only have been in the condition of all Europe, without disgrace. But, if we had been so fortunate as to beat the duke, we should have added greatly to the renown of our arms." The next time they met, was at Madame de Stael's own house, when the duke was a guest. Like mischief-loving, privileged woman, after having made the duke and Mr. Clay acquainted, and on the instant, Madame de Stael rehearsed to the duke the conversation above recited. The duke, looking alternately at Mr. Clay and Madame de Stael, and addressing himself to both, as the occasion demanded, very gallantly said, "If I had been sent on that errand, and been so fortunate as to be successful against so gallant a foe as the Americans, I should have regarded it as the proudest feather in my cap."

Not long after this, Mr. Clay was dining at Lord Castlereagh's, in London, with the other American commissioners of Ghent, the British commissioners, and some of the British ministers, when London was filled with rejoicings for the victory of Waterloo. Nothing was yet heard of the whereabout of Napoleon; but it was suggested at table, that he might perhaps flee to America for an asylum. "Will he not give you some trouble, if he goes there?" said Lord Liverpool to Mr. Clay. "Not the least, my lord," said Mr. Clay. "We shall be very glad to see him, will entertain him with all due rites of hospitality, and soon make him a good democrat."

Henry Goulbourn, Esq., one of the British commissioners at Ghent, sent to Mr. Clay, at Brussels, a London paper, containing the British official account of the capture of the city of Washington, destruction of the capitol and other public buildings, with an apology for this *disagreeable* intelligence, presuming that the latest news from the United States would notwithstanding, be acceptable. Mr.Clay returned his compliments to Mr. Goulbourn, with a Paris paper, containing the first intelligence of the destruction of the British fleet on Lake Champlain, *also* apologizing for the *disagreeable* part of the news, but presumed he would like the *latest.*

After Mr. Clay's return from Ghent, a public dinner was given him by his fellow-citizens of Lexington, when, of course, "the negotiators of Ghent." were toasted, in whose behalf Mr. Clay

made a pertinent speech. But when the last toast was read—"Our guest, HENRY CLAY—We welcome his return to that country, whose rights and interests he has so ably maintained, at home and abroad," his feelings were deeply affected, and he could but with difficulty make the following brief reply, which ends, as will be seen, with no vain attempt at playfulness:—

"My friends, I must again thank you, for your kind and affectionate attention. My reception has been more like that of a brother, than a common friend or acquaintance, and I am utterly incapable of finding words to express my gratitude. My situation is like that of a Swedish gentleman, at a dinner given in England by the *Society of Friends of Foreigners in Distress.* A toast having been given, complimentary to his country, it was expected, as is usual on such occasions, that he would rise and address the company. The gentleman, not understanding the English language, rose, under great embarrassment, and said, 'Sir, I wish you to consider me *a foreigner in distress.*' I wish you, gentlemen, to consider me *a friend in distress.*"

When the odious *compensation bill* was to be encountered, in the congressional canvass of 1816, Mr. Clay met an old, and once an ardent political friend, a Kentucky hunter, who expressed dissatisfaction at his vote on the abovenamed bill. "Have you a good rifle, my friend?" asked Mr. Clay. "Yes."—"Did it ever flash?"—"It did once."—"And did you throw it away?"—"No, I picked the flint, tried it again, and it was true."—"Have I ever flashed, except this once you complain of?"—"No."—"And will you throw me away?"—"No, no," said the hunter, with much emotion, grasping Mr. Clay's hand, "never. I will pick the flint, and try it again." Mr. Clay passed on, met another hunter with his rifle in hand, which he called "Old Bess," and solicited his vote. "Are you a good shot?" asked the hunter. Mr. Clay, supposing his friend spoke figuratively, promptly replied, "Try me, and see."—"Very well, here's *Old Bess*, try her once." Mr. Clay had never shot a rifle in his life. But there was no retreat. The mark was set up, the distance taken, and by mere chance, Mr. Clay made a hit in the centre. The hunter and his friends insisted on his trying once more, as that might be accident. "Beat that, and I will," said Mr. Clay, and they let him off as a good shot, and engaged to vote for him. These are instances of boldness, rather than of wit, showing promptitude, readiness, and decision. Nevertheless, there is always an affinity between these vigilant and active faculties. They

all answer to the common classification of a man's "*wits*." "He has his *wits* about him."

In Mr. Clay's speech on the Seminole war, 1819, referring to General Jackson's execution of Arbuthnot and Ambrister—the latter especially—he said: "I know but little of military law, and what has happened, has certainly not created in me a taste for acquiring a knowledge of more."

While Mr. Clay was advocating the recognition of South American independence, in 1818, and proposing the sending of a minister to Buenos Ayres, which was then opposed, and voted down, he said:—

"Yes, sir, from Constantinople, or from the Brazils; from Turk, or Christian; from black, or white; from the dey of Algiers, or the bey of Tunis; from the devil himself, if he wore a crown, we should receive a minister! But let a minister come from a poor *republic*, like that of La Plata, and we turn our back upon him?"

The startling effect of the dilemma, and its conclusiveness as a mode of reasoning, is well exemplified in the following instance. The opponents of the recognition of the independence of the South American states, proposed to confer that power on the president, and in their opposition to Mr. Clay's views for legislative action, maintained, that recognition would be *cause of war with Spain*. Whereupon, Mr. Clay sprung the dilemma upon them: "The gentleman from Maryland, [Mr. Smith] and the gentleman from Virginia, [Mr. Smyth] the great champions of executive power, and the opponents of legislative authority, have contended, that recognition would be cause of war. These gentlemen are reduced to this dilemma:—if it is cause of war, the executive ought not to have the right to produce a war upon the country, without consulting Congress. If it is no cause of war, it is an act, which there is no danger in performing." The whole argument lay in this nutshell.

When General Jackson went IN, March 4, 1829, Mr. Adams, and of course Mr. Clay, who had been secretary of state, went OUT. On Mr. Clay's return to Kentucky, his friends at Uniontown, Pennsylvania, saw him enter their borough, on the box, with the coachman. He had chosen that seat, as the most easy, on account of the badness of the roads. "You see, my friends," said Mr. Clay, as they drove up to the hotel, "I am one of the

OUTS; but I can assure you, that the INS behind me, have the worst of it."

Mr. Clay, on one occasion, finding his political opponents in Congress trying to forget an argument, which they had used, but too successfully, before the people, in a political campaign, reminded them of Dr. Franklin's newly-invented fable of *Puss and the Eagle.* The eagle, by mistake, had pounced on puss, instead of a pig, and soared away toward his lofty habitation with his prey. But puss stuck her claws into the eagle's body, and made a most uncomfortable use of her teeth, till the eagle said to the supposed pig: "If you will let me go, I will let you go."—"No," said puss, "not up here in the clouds. Put me down where you took me up, and it's a bargain."

When Mr. Clay argued *against* the constitutionality of the United States bank, in 1811, he said to his opponents, who maintained the doctrine of *implied and incidental* powers: "Like the Virginia justice, you tell the man, whose turkey has been stolen, that your books of precedent furnish no form for his case; but that you will give him a precept to search for a cow, and when looking for a cow, he may possibly find his turkey." The point of this, as will be seen, lies in the alleged position of the advocates of the bank, that they find a power in the constitution to create a fiscal agent of the government, and to accomplish this end, they propose a bank that shall support itself by its own proper functions. Thus, in looking for a cow, they find the turkey. This speech, of course, was brought to answer Mr. Clay, when he stood up as the advocate of a national bank, in 1816; and ever since it has been used against him. It was not a bad joke, that, in 1816, it was gravely read in the house, from beginning to end, as a reply to himself. It was certainly an able one. It is recorded of Patrick Henry, that, in his professional practice, by mistake, he made a powerful argument against his client, apparently sufficient to decide the case, till his client crept up in affright, and said to him: "Sir, you have ruined me." "Don't fear," said Mr. Henry; "you will see what I am after." To the court and jury he then said: "Such is the argument of the opposite counsel." He had said more than they could say for themselves, and then went on to demolish it all, and gained his cause. It was somewhat so with Mr. Clay, in his arguments of 1811 and 1816, on the bank question. The first was the best that could be made, and the last demolished the first.

The following specimen of rhetorical severity perpetrated on the

federalists, in Mr. Clay's speech on the new army bill, 1813, including a notice of Mr. Jefferson's red French breeches, is worth reading :—

"If gentlemen would only reserve for their own government, half the sensibility which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been tried ; negotiation has been resorted to, until further negotiation would have been disgraceful. While these peaceful experiments are undergoing a trial, what is the conduct of the opposition ? They are the champions of war—the proud—the spirited—the sole repository of the nation's honor—the men of exclusive vigor and energy. The administration, on the contrary, is weak, feeble, and pusillanimous—'incapable of being kicked into a war.' The maxim, 'not a cent for tribute, millions for defence,' is loudly proclaimed. Is the administration for negotiation ? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword, and avenge the nation's wrongs. When, however, foreign nations, perhaps emboldened by the very opposition here made, refuse to listen to the amicable appeals, which have been repeated and reiterated by the administration, to their justice and to their interest—when, in fact, war with one of them has become identified with our independence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war, its tragical events, the squandering away of your resources, the waste of the public treasure, and the spilling of innocent blood. 'Gorgons, hydras, and chimeras dire.' They tell you, that honor is an illusion ! Now, we see them exhibiting the terrific forms of the roaring king of the forest. Now, the meekness and humility of the lamb ! They are for war and no restrictions, when the administration is for peace. They are for peace and restrictions, when the administration is for war. You find them, sir, tacking with every gale, displaying the colors of every party, and of all nations, steady only in one unalterable purpose—to steer, if possible, into the haven of power.

"During all this time, the parasites of opposition do not fail, by cunning sarcasm, or sly inuendo, to throw out the idea of French influence, which is known to be false, which ought to be met in one manner only, and that is by the lie direct. The administration of this country devoted to foreign influence ! The administration of this country subservient to France ! Great God ! what a charge ! how is it so influenced ? By what ligament, on what basis, on what possible foundation does it rest ? Is it similarity of language ? No ! we speak different tongues, we speak the English language. On the resemblance of our laws ? No ! the sources of our jurisprudence spring from another and a different country.

On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two governments? No! here alone is the liberty of man secure from the inexorable despotism, which, everywhere else, tramples it under foot. Where, then, is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible (but I have nevertheless been told it is a fact), that an honorable member of this house, now in my eye, recently lost his election by the circulation of a silly story in his district, that he was the first cousin of the emperor Napoleon. The proof of the charge rested on a statement of facts, which was undoubtedly true. The gentleman in question, it was alleged, had married a connexion of the lady of the president of the United States, who was the intimate friend of Thomas Jefferson, late president of the United States, who some years ago, was in the habit of wearing red French breeches. Now, taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily follows! . . . . . Really," said Mr. Clay, "gentlemen remind me of an obscure lady, in a city not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She, too, spoke of the destruction of the balance of power; stormed and raged about the insatiable ambition of the emperor; called him the curse of mankind, the destroyer of Europe. The Frenchman listened to her with perfect patience, and when she had ceased, said to her, with ineffable politeness, 'Madame, it would give my master, the emperor, infinite pain, if he knew how hardly you thought of him.' "

One of Mr. Clay's colleagues, in 1816, attempted wit in the house of representatives at the expense of Mr. Clay. Mr. Clay retorted in the following terms: "Motives of delicacy, which the committee would be able to understand and appreciate, prevented him [Mr. Clay] from noticing some of his colleague's remarks; but he would take this occasion to give him one admonition—that, when he next favored the house with an exhibition of his talents for wit, with a display of those eloquent implements, for his possession of which the gentleman from Virginia had so handsomely complimented him, he would recollect that it is *bought*, and not *borrowed* wit, which the adage recommends as best." This was a two-edged sword, doing equal execution on the gentleman from Virginia, who had not discovered the *borrowed* wares which had so much delighted him.

Mr. Madison, going out of office in 1817, vetoed, the day before his retirement, an internal improvement bill, on the ground of unconstitutionality, notwithstanding he had, in his annual message at the opening of that session of Congress, earnestly recommended such a measure, and that too on an extended scale; and Mr. Monroe, stepping into his shoes the next day, was supposed to have suddenly altered his inaugural address, FROM a conformity with Mr. Madison's annual message, TO a conformity with his veto, by introducing the words "proceeding always with a *constitutional sanction;*" and in his first message, he declared his opinion against the constitutional power. The Hon. Mr. Nelson, of Virginia was suspected, not altogether without grounds, to have *trimmed* somewhat skilfully to these veerings of the two chief magistrates. As Mr. Clay was compelled conscientiously to encounter these executive movements, so hostile to one great branch of his system of domestic policy, Mr. Nelson, in anticipation of a notice of his own course, had gratuitously "denied the operation of executive influence on his mind, or that, from that quarter, he had anything to expect, to hope, or to fear."

"I did not," said Mr. Clay, "impute to my honorable friend any such motive. I knew his independence of mind and character too well to do so. But I entreat him to reflect, if he does not expose himself to such an imputation by those less friendly toward him than myself. Let us look a little at facts. The president recommends the establishment of a bank. If ever there was a stretch of implied powers conveyed by the constitution, it has been thought, that the grant of the charter of a national bank was one. But the president recommends it. Where was *then* my honorable friend, the friend of state-rights, who so pathetically calls upon us to repent, in sackcloth and ashes, our meditated violation of the constitution, and who kindly expresses the hope, that we shall be made to feel the public indignation? Where was he at that awful epoch? Where was that eloquent tongue, which we have now heard with so much pleasure? Silent! Silent as the grave! [Mr. Nelson said, across the house, that he had voted against the bank bill when *first* recommended.] Alas! my honorable friend had not the heart to withstand a *second* recommendation from the president; but when it came, yielded, no doubt most reluctantly, to the executive wishes, and voted for the bank. At the last session of Congress, Mr. Madison recommended an exercise of *all* the existing powers of the general government, to establish a *comprehensive* system of internal improvement. Where was my honorable friend on *that* occasion? Not silent as the grave, but he gave a negative vote, *almost* as silent. No effort was

made on his part, great as he is, when he exerts the powers of his well-stored mind, to save the commonwealth from that greatest of all calamities, a system of internal improvement. No; although a war with all the allies, he *now* thinks, would be less terrible than the adoption of this report, not one word *then* dropped from his lips against the measure. [Mr. Nelson said, he voted against the bill.] That he *whispered* out an unwilling negative, I do not deny; but it was unsustained by that torrent of eloquence which he has poured out on the present occasion. *Now*, my honorable friend rouses, thunders forth the danger in which the constitution is, and sounds the tocsin of alarm."

It would be necessary for one to have a full view of all that was before the committee on this occasion, of all that was referred to by Mr. Clay's remarks, of the character and powers of Mr. Nelson, so smoothly and murderously complimented, and of his foaming, vaulting, salient, but newborn zeal, fully to appreciate the wit, the sarcasm, the severity of this notice.

At another time while pleading the cause of South America, in 1818, Mr. Clay had occasion to notice Mr. Nelson as follows:—

"Even my honorable friend near me, has made a speech on our side; and we should not have found out, if he had not told us, that he would vote against us. Although his speech has been distinguished by his accustomed eloquence, I should be glad to agree on a *cartel* with the gentlemen on the other side of the house to give them his speech for his vote. The gentleman says his *heart* is with us—that he ardently desires the independence of the south. Will he excuse me for telling him, that if he will give himself up to the honest feelings of his heart, he will have a much surer guide, than by trusting to his *head*—to which, however, I am far from offering any disparagement."

It is remarkable, notwithstanding President Monroe had come out in his message against internal improvement, that, on his tour to the north the next summer, he, of his sole magisterial will, set the military to work on the road from Plattsburg to the St. Lawrence, without authority of law. First, according to the doctrine he had taken his stand upon, it was an invasion of state-rights; next, by the same creed, there was no express authority in the constitution; but the worst of it was, expenses were incurred without authority of law. It was not enough to say, that the president had a right to employ the troops under his command. These facts were nuts to Mr. Clay. He did not find fault with what the president had done. On the contrary, he commended

it; and the torrent of wit and argument he poured forth, in referring to it, was a treat. "If," said he, "the president has power to cause those public improvements to be executed at his pleasure, whence is it derived? If any member will stand up in his place, and say, that the President is clothed with this authority, and that it is denied to Congress, *let us hear from him;* and let him point to the clause in the constitution, which vests it in the executive, and withholds it from the legislative branch."

Mr. Smith, of Maryland, had contended in reply to Mr. Clay, that the recognition of the independence of the South American states, was cause of war. Mr. Smith was a commercial gentleman, and neither his knowledge, nor his experience, qualified him to attempt an argument of this kind. Such presumption may at least be some apology for the following severe notice by Mr. Clay: "I recommend, without intending any disrespect, that the honorable gentleman should confine himself to the operations of commerce, rather than undertake to expound questions of public law; for I can assure the gentleman, that, although he may make some figure, with his practical knowledge in one case, he will not in the other." But, on another occasion, Mr. Clay seems to have been touched with great commiseration for injustice done to this same gentleman (Mr. Smith). "The honorable gentleman stated, that he had been accused of partiality for the manufacturing interest. Never was there a more groundless and malicious charge preferred against a calumniated man. Since this question has been agitated in the public councils, although I have often heard from him *professions* of attachment to this branch of industry, I have never known any member a more uniform, determined, and uncompromising *opponent* of it, than the honorable gentleman has uniformly been. And if, hereafter, the calumny should be repeated, of his friendship to the American system, I shall be ready to furnish to him, in the most solemn manner, my testimony of his innocence."

Mr. Smyth, of Virginia—the notorious GENERAL Smyth, of the war of 1812—who made such a figure by his proclamation, calling for volunteers for the invasion of Canada, and who at last showed the white feather to the foe, said in the house, that the recognition of the independence of the South American states, by Congress, was "*usurpation!*"—"Sir," said Mr. Clay, "the gentleman has mistaken his position here. He is a *military* chieftain, and is an admirable defender of executive authority; but he

has yet to learn his *horn-book* as to the power of this branch of the government."

General Smyth was remarkable for long, prosy, interminable speeches, in the house of representatives. On one occasion, in committee of the whole, after having wearied the patience of the members more than usual, he said to Mr. Clay, who sat near him, in a low voice, while he was pausing for a new start: "You speak for the present generation. I speak for posterity."—"Yes," replied Mr. Clay, "and you seem resolved to continue speaking, till your audience arrives."

When the resolution to *disapprove* of General Jackson's execution of Ambrister and Arbuthnot, was under debate in the house, General Smyth opposed it, and announced his purpose to offer an amendment or substitute, to *approve*. This was exactly the thing desired by the advocates of the pending resolution, knowing well that to *approve* would be impossible, and thus their object would be gained; while the resolution, as it stood, might fail, as it did. While, therefore, one part of the house connived at the general's proposal, the other part intimated to him that he must *retreat*, or be lost. He therefore *retreated*. It was cruel in Mr. Clay not to let him escape. But he could not help saying: "He admired the achievement, but it was not the first time the general had shown his skill *in retreating*."—It was a terrible blow. The house roared with laughter, and as soon fell back to pity. Mr. Clay had no apprehension of an affair of honor with the "proclamation general." He, therefore, wrote him a note of apology the next morning.

Under Mr. Monroe's administration, it was made apparent, by executive communications to Congress, that some very improper efforts were in progress, by the Russian government, in behalf of Spain, affecting the relations of the United States to the new states of South America. Mr. Clay, who was the first, and a long time the sole champion of South American freedom, said:—

"He must enter his solemn protest against this and every other species of foreign interference in our matters with Spain. What have they to do with them? Would *they* not repel, as officious and insulting intrusion, any interference on *our* part, in their concerns with foreign states?—Would his imperial majesty have listened with complacency, to our remonstrances against the vast acquisitions he has recently made? He has lately crammed his enormous maw with Finland, and with the spoils of Poland, and while the difficult process of digestion is going on, he throws nim-

self upon a couch, and cries out, 'Don't, don't disturb my repose!' *He* charges his minister here to plead the cause of peace and concord! 'The American government is too enlightened' (ah! sir, how sweet this unction is, that is poured down our backs!) 'to take such hasty steps!' and his imperial majesty's minister here is required 'to *engage* the American government,' &c. 'Nevertheless, the emperor does not *interpose* in this discussion!' No! not he! He makes, above all, 'no pretension to exercise influence in the councils of a foreign power'—Not the slightest. . . If Count Nesselrode had never written another paragraph, the extract from his despatch to Mr. Politica, which has been transmitted to this house, will demonstrate that he merited the confidence of his master."

It was rumored, that even the "enormous maw" of his imperial majesty, was insufficient to take in this wholesome repast of the American statesman's raillery. It had at least the effect of putting an end to such interference.

In the vote of the house of representatives, on the tariff of 1824, it was expected that Mr. Foot, of Connecticut, and Mr. Foote, of New York, would both support it; but they voted against it. After the bill had passed, and as Mr. Clay came down from the Speaker's chair, at the time of adjournment, a friend said to him, "We have done pretty well to day."—"Yes," said Mr. Clay, "we made a good *stand*, considering we lost both our *Feet*."

Mr. Clay had been accused by General Jackson and his friends of appealing to the public, to defend himself against the public charge of *bargain* in the election of Mr. Adams—of forcing and dragging those matters out. Of course, every one will see, that it was a subject, which he could have had no motive in starting; and about which he could not be silent, when others had started it, and seemed resolved to make the most of it. In a speech at Cincinnati, 1828, Mr. Clay said:—

"My traducers have attributed to me great facility in making a *bargain*. Whether I possess it, or not, there is *one* bargain, which, for their accommodation, I am willing to enter into with them. If they will prevail upon their chief, to acknowledge that he has been in error, and has done me injustice, and if they will cease to traduce and abuse me, I will no longer present myself before public assemblies, or in public prints, in my own defence. That is a bargain, however, which I have no expectation of being able to conclude; for men, who are in a long-established line of business, will not voluntarily quit their accustomed trade, and acknowledge themselves *bankrupts to honor, decency, and truth*."

Considering that Mr. Clay was secretary of state, under "the late American administration" alluded to in the following extract from his speech of 1832, on the nomination of Mr. Van Buren to the court of London, it will doubtless be regarded as some apology for its severity:—

"Now, sir, keeping in sight of the object which the late secretary of state had in view—the opening of the trade with the British colonies—WHICH was the best mode to accomplish it?—To send our minister to prostrate himself as a suppliant before the British throne, and to say to the British king, we have offended your majesty; the late American administration brought forward pretensions which we can not sustain, and they too long and too tenaciously adhered to them; your majesty was always in the right; but we hope your majesty will be graciously pleased to recollect, that it was not WE who are now in possession of the American government, but THOSE who have been expelled from it, that wronged your majesty; and that we, when out of power, were on the side of your majesty; and we do humbly pray, that your majesty, taking all mitigating circumstances into consideration, will graciously condescend to extend to us the privileges of the British act of Parliament of 1825, and to grant us the boon of a trade with your majesty's West India colonies? OR, to have presented himself before the British monarch, in the manly and dignified attitude of a minister of this republic, and abstaining from all condemnation or animadversion upon the past conduct of his own government, to have placed the withdrawal of our former demand upon the ground of concession, in a spirit of amity and compromise?'

Mr. Clay was dining with the vice-president, Mr. Van Buren, during the second term of President Jackson, when it was probable, that the vice-president would succeed. The company consisted of Mr. Forsyth, secretary of state, Mr. Rives, of Virginia, foreign ministers, judges of the supreme court, and others. The conversation turned upon the topic of the favorable or unfavorable dispositions of the French and English ministries toward American interests. Several of the gentlemen having been abroad, it was agreed between all of them, that American interests fared best with tory ministers in England and France. Mr. Clay, addressing himself to Mr. Van Buren, said "he would propose a toast, with his permission."—"Certainly, we will receive it with pleasure." "I propose," said Mr. Clay, "TORY ministers for England and France, and a WHIG ministry for the United States."

"What is that?" said Mr. Clay to Mr. Adams (J. Q.), pointing

to a large dish on the dinner-table of the latter gentleman, as the covers were removed.—"A codfish, from my constituents of Marblehead," said Mr. Adams; "shall I send you a bit of it?"—"Not the least bit of it," said Mr. Clay; "the bones would stick in my throat like a MISSISSIPPI SNAG." There are few who will no remember the reputed controversy between those two gentlemen at Ghent, in 1814, about the fisheries and the navigation of the Mississippi.

The South-Carolinians once had public meetings, and passed resolutions not to trade with the Kentucky drovers any more, on account of their attachment to the tariff. In 1832, when Mr. Calhoun was vice-president, and president of the senate, Mr. Clay, in reference to these resolutions, said:—

"They [the South-Carolinians] must have supposed us as stupid as the *sires* of one of the descriptions of the stock [mules] of which that trade consisted, if they imagined that their resolutions would affect our principles. Our drovers cracked their whips, blew their horns, and passed the Seleuda gap [the same old route] to other markets, where better humors existed, and equal or greater profits were made. I have heard of your successor in the other house, Mr. President, this anecdote: that he joined in the adoption of those resolutions; but when, about Christmas, he applied to one of his South Carolina neighbors to purchase the regular supply of pork for the ensuing year, he found that he had to pay two prices for it, and he declared, if *that* were the patriotism on which the resolutions were based, he would not conform to them."

Mr. Clay, in one of his speeches, gives the following sketch of office-seekers, on the advent of Andrew Jackson to power:—

"Recall to your recollection the 4th of March, 1829, when the lank, lean, famished forms, from fen and forest, and the four quarters of the Union, gathered together in the halls of patronage, or stealing by evening's twilight into the apartment of the president's mansion, cried out with ghastly faces, and in sepulchral tones, 'Give us bread! give us treasury-pap! give us our reward!' England's bard was mistaken. Ghosts will sometimes come, called or uncalled."

On Mr. Benton's proposal to give away the "refuse lands" of the public domain, Mr. Clay said:—

"The senator from Missouri was chanting most sweetly to the tune, 'refuse lands,' 'refuse lands,' 'refuse lands,' on his side of the Mississippi, and the soft strains of his music, having caught

the ear of his excellency, on the Illinois side, he [the governor of Illinois] joined in chorus, and struck an octave higher. The senator from Missouri wished only to pick up some crumbs which fell from Uncle Sam's table; but the governor resolved to grasp the whole loaf. The senator modestly claimed only an old, smoked, rejected joint; but the stomach of his excellency yearned after '*the whole hog*.' The governor peeped over the Mississippi into Missouri, and saw the senator leisurely roaming in some rich pasture, on bits of 'refuse lands.' He returned to Illinois, and springing into the grand prairie, determined to claim and occupy it, in all its boundless extent."

When President Jackson had resolved on assuming the responsibility, in removing the public deposites, he read a paper to his cabinet, not to consult them, but *declaratory* of his purpose. That part, which was more especially addressed to the ear of Mr. Duane, secretary of the treasury, was what Mr. Clay called, "coaxing." It reads thus: "He [the president] *trusts* the secretary of the treasury will see only the frank and *respectful* declarations, &c., and *not* a spirit of dictation, which the president would be as careful to avoid, as ready to resist," &c.:—

"Sir," said Mr. Clay, "how kind! how gentle! It reminds me of an historical anecdote, related of one of the most remarkable characters, which our species has ever produced. While Oliver Cromwell was contending for the mastery of Great Britain, he besieged a catholic town. The place made a stout resistance; but at length the town being likely to be taken, the poor catholics proposed terms of capitulation, stipulating therein for the toleration of their religion. The paper, containing the terms, was brought to Oliver, who, putting on his spectacles to read it, cried out, 'Oh, granted, granted, certainly.' He added, however, 'but, if one of them shall dare to be found attending mass, he shall be hanged.'" The fate of Mr. Duane, for disregarding the "coaxing," was *decapitation*.

When Mr. Clay, while speaking on the removal of the deposites, came to the fact of General Jackson's having been obliged to send out an agent to find *honest* sub-treasurers, if he could, for the keeping of the public funds, he suddenly put in a parenthesis in these five words (*and then* SUCH *an agent*), without deigning to say more as to the suitableness of the appointment, or the qualifications of the appointee. A gentleman, who heard it, says, that the *manner* of Mr. Clay, in his change of voice, in his look, his emphasis, and the tout ensemble of what addressed the eye, the

ear, and the imagination, was infinitely amusing. This agent was afterward postmaster-general.

Mr. Taney was attorney-general under President Jackson, in 1833, when Mr. Duane, secretary of the treasury, was removed from office, for not feeling it right to do the bidding of the president in removing the deposites; and Mr. Taney was put in his place, *to do that work*. At the next session of Congress, Mr. Clay said:—

"We have, Mr. President, a most wonderful financier at the head of our treasury department. He sits quietly by in the cabinet, and witnesses the contest between his colleague and the president; sees the conflict in the mind of that colleague, between his personal attachment to the president, on the one hand, and his solemn duty to the public, on the other; beholds the triumph of conscientious obligation; contemplates the noble spectacle of an HONEST MAN, preparing to surrender an exalted office, with all its honors and emoluments, rather than betray the interests of the people; witnesses the contemptuous and insulting expulsion of that colleague from office; *and then coolly enters the vacated place, without the slightest sympathy or the smallest emotion!*"

In the annual report of the secretary of the treasury (Mr. Taney), he spoke of the PRESS, as having been corrupted by the bank. Mr. Clay, in one of his speeches on the removal of the deposites, Dec. 30, 1833, said:—

"If the secretary wishes to purify the *press*, he has a most Herculean duty before him. And when he sallies out on his Quixotic expedition, he had better begin with the Augean stable, the press nearest to him, his organ [the Globe], as most needing purification."

"Sir, the truth is, that the re-election of the president [Jackson] proves as little an approbation by the people of *all* the opinions he holds, as it would prove that, if the president had a carbuncle or the king's evil, they meant, by re-electing him, to approve of his carbuncle."

"When the secretary [Mr. Taney] treats of the power of the president, he puts on corsets, and prostrates himself before the executive, in the most graceful, courteous, and ladylike manner; but when he treats of that of Congress, and of the treasurer, he swells and expands himself, and flirts about, with all the airs of high authority."

"One of the pleasures which I promised myself," said Mr. Clay, in his speech at Nashville, 1840, "in making this visit to

your beautiful town, was to meet my honorable friend, Felix Grundy, and talk over matters with him. But, on my inquiry for him, I learned that he was in East Tennessee, making speeches in favor of the present administration. Ah! said I, at his old occupation, defending criminals! But there is this difference between my distinguished friend's present and past defence of criminals: He is now defending *state* criminals, not before a carefully packed jury, but before a free, enlightened, virtuous, and patriotic people; and, therefore, we may well hope, that his present efforts will not be attended with his hitherto usual success."

When Mr. Clay spoke, at Nashville, of General Harrison, as a soldier, and of his battles, some one from the crowd, cried out, "Tell us of Van Buren's battles!"—"Ah!" said Mr. Clay, "I shall have to use my colleague's language [Mr. Crittenden's], and tell you of Mr. Van Buren's *three* great battles! He [Mr. Crittenden] says, that he fought General Commerce, and conquered *him;* that he fought General Currency, and conquered *him;* and that, with his Cuba allies [the bloodhounds], he fought the Seminoles, and *got* conquered!"

"The complaint is, that they [the public lands] are not sold fast enough, in other words, that people do not multiply rapidly enough to buy them. Patience, gentlemen of the land committee, patience! If you will only acquiesce in the certain and quiet operation of the laws of God and man, the wilderness will quickly teem with people, and be filled with the monuments of civilization."

Mr. Lincoln, of Maine, in support of a pension-bill before the house of representatives, broke out in a rhapsodical apostrophe—indicative certainly of good feeling—and said: "Soldiers of the revolution! live for ever!" Mr. Clay, not less zealous in so good a cause, could not, however, resist the temptation to say: "I hope my worthy friend will consent to a compromise of '*for ever*,' to *nine hundred and ninety-nine years*."

"If, as I think, fatally for the public interest, the bill [tariff of 1820] shall be defeated, what will be the character of the account which we shall have to render to our constituents upon our return among them? We shall be asked,'what have you done to remedy the disorders of the public currency?' 'Why, Mr. Secretary of the Treasury made us a long report on that matter, containing much valuable information, and some very good reasoning, but, upon the whole, we found that subject rather above our comprehension, and we concluded that it was wisest to let it regulate itself.' 'What have you done to supply the deficit in the treasury?'

'We thought that, although you are all endeavoring to get out of the banks, it was a very good time for us to go into them, and we have authorized a loan.' 'You have done something then, certainly, on the subject of retrenchment. Here, at home, we are practising the greatest economy, and our daughters, no longer able to wear calico gowns, are obliged to put on homespun.' 'Why, we have saved, by the indefatigable exertions of a member from Tennessee (General Cocke), fifty thousand dollars, which were wanted for the Yellow Stone expedition. No, not quite so much; for thirty thousand dollars of that sum were still wanted, although we stopped the expedition at the Council Bluffs. And we have saved another sum, which we hope will give you great satisfaction. After nearly two days' debate, and a division between the two houses, we struck off two hundred dollars from the salary of the clerk of the attorney-general.' 'What have you done to protect home industry from the effects of the contracted policy of foreign powers?' 'We thought it best, after much deliberation, to leave things alone at home, and to continue our encouragement to foreign industry.' 'Well, surely you have passed some law to reanimate and revive the hopes of the numerous bankrupts that have been made by the extraordinary circumstances of the world, and the ruinous tendency of our policy?' 'No; the senate could not agree on that subject, and the bankrupt-bill failed.'"

In 1834, when the dominant party were in great perplexity, Mr. Clay, in the senate, incidentally remarked, that "he verily believed they do not know what to do. They are afraid to stay, and afraid to return [adjourn]; afraid of Jackson, if they remain, and of their constituents if they go home. Already," he said, "the whole party was crumbling away; sinking, like the banks of the Mississippi undermined by the torrent, whole acres at a time. Why," said Mr. Clay, "I am told that the whole regency of New York, taking the alarm, has fled from Albany, and sought refuge in this city. Whether they would or would not be remanded by Governor Marcy, under the laws in such cases made and provided, he could not say; but, if they remained, he hoped they would be allowed the benefit of all the rites of hospitality due to such distinguished strangers. For himself, he condoled with the gentlemen, in this the trying time of their misfortunes, and trusted that they would be able to bear them with manly fortitude and Christian resignation." The editors of the National Intelligencer remark upon this: "If any one who heard this part of Mr. Clay's speech, were able to look grave upon it, thank Heaven, it was not we"

Mr. Clay describes THE expunging resolution thus:—

"It runs, *whereas*, *and whereas*, *and whereas*, *and whereas*, and so forth, into a formidable array of nine several *whereases*. One who should have the courage to begin to read them, unaware of what was to be their termination, would think, that, at the end of such a tremendous display, he must find the very d—l. It is like a kite, or a comet, except that the order of nature is inverted, and the tail, instead of being behind, is before the body, to which it is appended."

Notwithstanding Mr. Clay has been accused of A POLITICAL BARGAIN, he could never have much patience with that kind of traffic in others. The following is an extract from his speech of September 25, 1837, on the subtreasury-bill, and has respect to GEORGE M. DALLAS, who was elected vice-president in 1844:—

"The memorial of the late bank of the United States, praying for a recharter, was placed in *his* hands, and he presented it to the senate. He carried the recharter through the senate. The veto came; *and in two or three weeks afterward*, we behold the same senator at the head of an assembly of the people, in the statehouse-yard, in Philadelphia, *applauding* the veto, and condemning the bank—*condemning his own act!* Motives lie beyond the reach of the human eye, and it does not belong to me to say, what they were, which prompted this self-castigation, and this praise of the destruction of his own work; but it is impossible to overlook the fact, that this same senator, in due time, received from the author of the veto, the gift of a splendid foreign mission!" —to the court of St. Petersburg.

Mr. Van Buren said, in his first annual message, that the bank-question had been "twice and unequivocally" decided by the people, referring to the presidential elections of 1832 and 1836. Mr. Clay said:—

"It is somewhat ungrateful to the people of the United States, to suppose, that the particular opinion of Mr. Van Buren, in regard to a United States bank, constituted any, much less the chief recommendation of him to their suffrages. It would be more honorable to him and to them, to suppose, that it proceeded from his eminent abilities, and his distinguished services, at home and abroad! If we are to look beyond them, and beyond him, many believe, that the most influential cause of his election, was the endorsement of that illustrious predecessor, in whose footsteps he stood pledged to follow."

On another occasion, Mr. Clay, in the preliminaries of a speech, incidental thereunto, remarked:—

"I will now content myself with saying, that, on the fourth day of March, 1829, Andrew Jackson—*not by the blessing of God*—was made president of these United States." Again: "Mr. Van Buren announces [in accepting his nomination of 1835], that he was the honored instrument, selected by the friends of the present administration, to carry out its principles and policy. 'Honored *instrument!*'" said Mr. Clay. "That word, according to the most approved definition, means *tool.* He was, then, the honored TOOL!"

"He [Mr. Van Buren] is too good a democrat, and the whole tenor of his life shows, that, whatever other divorces he may recommend, the last that he would desire, would be one between him and the people."

Mr. Clay, speaking of the convenience of a national paper medium, said, "he did not doubt, that his honorable friend [Mr. Grundy, who had denounced paper money] furnished himself with United States bank-notes, to travel from Nashville to Washington." "No, sir," said Mr. Grundy, "I always travel on *specie.*"—"Ah!" replied Mr. Clay, "my old friend is always *specie-ous*"—a quality for which, in fact, he was very notorious. This being known, and the peculiar and ludicrous significancy, which Mr. Clay gave to the utterance of the word, by his manner and tone, excited no little merriment.

"Who, Mr. President," said Mr. Clay, "are the most conspicuous of those who perseveringly pressed this bill [the sub-treasury bill] upon Congress and the American people? Its drawer is the distinguished gentleman in the White-House, not far off. Its endorser is the distinguished senator from South Carolina, here present. What the drawer thinks of the endorser, his cautious reserve and stifled enmity prevent us from knowing. But the frankness of the endorser has not left us in the same ignorance of his opinion of the drawer. He has often expressed it, upon the floor of the senate. On an occasion, not very distant, denying to him any of the nobler qualities of the royal beast of the forest, he attributed to him those, which belong to the most crafty, most skulking, and one of the meanest, of the quadruped tribe." It was Mr. Calhoun, who fixed on Mr. Van Buren, on the occasion here alluded to, the name of "THE FOX."

In recognition of the former amity and good fellowship between himself and Mr. Calhoun, Mr. Clay says:—

"We united, if, indeed, there were any alliance in the case, to restrain the enormous expansion of executive power; to arrest the progress of corruption; to rebuke usurpation; to drive the Goths

and Vandals from the capitol; to expel Brennus and his horde from Rome, who, when he threw his sword into the scale, to augment the ransom demanded from the mistress of the world, showed his preference for *gold*—that he was a *hard-money chieftain*. It was by the much more valuable metal of *iron*, that he was driven from her gates."

Again, speaking of the disruption :—

"The arduous contest in which we were so long engaged, was about to terminate in a glorious victory. At this critical juncture, the senator left us. He left us for the very purpose of preventing the success of the common cause. He took up his musket, knapsack, and shotpouch, and joined the other party. He went, horse, foot, and *dragoon*, and he himself composed the whole corps. He went, as his present most distinguished ally commenced with his expunging resolution, '*solitary and alone*.'"

Again, referring to the speech of Mr. Calhoun on the subtreasury :—

"It was plausible, ingenious, abstract, metaphysical, and generalizing. It did not appear to me to be adapted to the bosoms and business of men. It was *aërial*, and not very high up in the air, Mr. President, either—not quite as high up as Mr. Clayton was in his last ascension, in his balloon."

There was a good deal of warmth between Mr. Clay and Mr Calhoun in 1840, while the land bill of the latter was under debate. Mr. Calhoun alluded to the election of Mr. Adams to the presidency, in 1825, as if it were a just reproach to Mr. Clay. Mr. Clay *defied* him! Mr. Calhoun also spoke of Mr. Clay's having been put "flat on his back" by the compromise act. "The senator says, I was flat on my back, and that he was my master. Sir, I would not own *him* as my SLAVE!" In regard to the compromise act, Mr. Clay said: "I *saw* the condition of the senator from South Carolina, and his friends." General Jackson had resolved to hang them; and the Hon. John M. Clayton, then senator from Delaware, said to Mr. Clay: "These are fine fellows. It won't do to let Old Jackson hang them." And they got up the compromise act. In this view, the sentiment contained in the words of Mr. Clay, "*I* SAW *the condition* of the senator from South Carolina," was too big for utterance! It was heaping coals of fire upon his head! And it is well known, that Mr. Calhoun, as the leader of nullification, was the chief object of General Jackson's wrath. It was, therefore, supremely delicate in Mr. Clay, first, not

to say *all;* and next, to add, "and his friends," as if the obligations of Mr. Calhoun, for that magnanimous interposition, were lessened, by his being only *one* of a class, who were rescued from the vengeance of General Jackson.

One of the prominent issues of the presidential election of 1840, which resulted in a signal overthrow of the Jackson-Van-Buren dynasty, was the subtreasury, or, as its authors and advocates styled it, the independent treasury. It was generally allowed, that the popular opinion pronounced on this scheme, was decisively damnatory. Mr. Clay moved its repeal in the senate, before the defeated party had retired, and was somewhat playful and severe in his remarks. After the result of the presidential election was known, Senator Hubbard, of New Hampshire, of the Van Buren party, had been rather ignobly thrust aside by the legislature of his state, to give place to Levi Woodbury, secretary of the treasury under Mr. Van Buren. Mr. Clay inquired into the *practical* operation of the subtreasury, and in his remarks on this point, could not resist appealing to Mr. Hubbard, whose *lease* as senator was to expire in a few weeks :—

"I am far from the receivers-general, and I wish I was much farther; but what is its operation? Perhaps the honorable senator from New Hampshire [Mr. Hubbard] can tell, who, on all occasions, has stood forth the ready protector and advocate of the secretary of the treasury [Mr. Woodbury], *though I must say, it was a most* UNGRATEFUL *return*, for the secretary of the treasury to *beat* him in the late senatorial election."

"While I am up," said Mr. Clay, "I will notice a few remarks of the senator from New York [Mr. Wright]. He says this is a very convenient party now coming into power, because it is without avowed principles—a coonskin, log-cabin party. What sort of a party must *they* be, who have been driven out of power by a party whose residence is a log-cabin, and whose covering is coonskins? Sir, there must be something about it, or the defeated party would have never met so hard a fate from a party which they hold so much in contempt, and which is so contemptible, if the senator is correct. . . . Sir, I hope he will relieve me of the necessity of looking into that New Jersey affair, and of discovering the manner in which that gallant state was stripped of her sacred rights, and her authority trampled under foot, in a manner degrading to a deliberative assembly, and disgraceful to the age in which we live."

Senator Allen, of Ohio, had voted for Mr. Calhoun's land bill, which would nearly annihilate the vast interest of his state in the

public domain; and when hardly pressed by Mr. Clay, rose and said: "He voted on the ground of *substituting* that in preference to the plan of distribution among all the states." Of course he did. The manner in which Mr. Clay brought out the following reply, was worth witnessing:—

"Oh! ho!—ah! Is *that* the ground of the senator's vote?"—Mr. Allen rose again, to say, "It was well known on his side of the house, that he chose between two evils."—"Well," said Mr. Clay, "all I will say is, that side of the house kept the secret remarkably well, and no one better than the senator himself. . . . . If the vote of the other sixteen senators was also misunderstood, in the same way as the senator's from Ohio, I shall be glad of it." . . . . "There is an old adage," said Mr. Clay, "according to which, charity should begin at home; but, according to the doctrines of the opponents of distribution, it neither begins nor ends at home."

Mr. Wright, of New York, attempted to show, that the distribution doctrine of Mr. Clay and his friends, was identical with *the right of reversion*, and consequently was for the sole benefit of the ceding states. Mr. Clay replied:—

"Neither the senator from Massachusetts, nor I, attempted to erect any such windmill, as the senator from New York has imagined; and he might have spared himself the heavy blows, which, like another famed hero, not less valorous than himself, he dealt upon it." . . . . "These gentlemen will not consent to lay a tax on the luxuries of the affluent, and by their votes, insist upon leaving the states under the necessity of imposing direct taxes on the farmer, the laboring man, the poor, and all the while set up to be the exclusive friends of the poor! Really, sir, the best friends appear to be the worst enemies of the poor, and their greatest enemies their best friends."

Mr. Clay continued:—

"Corruption, it seems, is to be the order of the day. If I did not misunderstand the senator from South Carolina, he apprized us of the precise sum—*one million of dollars*—which was adequate to the corruption of his own state. He knows best about that; but I should be sorry to think, that *fifty millions* of dollars would corrupt my state. What may be the condition of South Carolina at this time, I know not; there is so much fog enveloping the dominant party, that it is difficult to determine her present latitude and longitude. What she *was* in her better days—the days of her Rutledges, Pinckneys, Sumpters, Lowndses, Cheveses—we all know, and I will not inflict pain on the senator by dwelling on it.

It is not for me to vindicate her from a charge so degrading and humiliating. She has another senator here [Mr. Preston], far more able and eloquent than I am, to defend her. Certainly I do not believe, and should be most unwilling to think, that the senator has made a *correct estimate.*

"I will not detain the senate in dwelling long upon the idle and ridiculous story about the correspondence between the London bankers and some Missouri bankers. . . . . And what did it all amount to? These British bankers are really strange fellows. They are foolish enough to look to the safety of their money advanced to foreigners! If they see a man going to ruin, they will not lend him; and if they see a nation pursuing the same road, they are so unreasonable as to decline vesting their funds in its bonds! Very strange! They have seen—all the world is too familiar with—those embarrassments and distresses brought upon the people of the United States, by the measures of Mr. Van Buren and his illustrious predecessor. They conclude, if he be re-elected, there will be no change of those measures, and no better times in the United States. On the contrary, if General Harrison be elected, they argue that a sound currency may be restored, confidence return, and business once more be active and prosperous. They, therefore, tell their Missouri banking correspondents, that American bonds and stocks will continue to depreciate, if Mr. Van Buren be re-elected; but that, if his competitor should succeed, they will rise in value, and sell more readily in the market. And these opinions and speculations of English bankers, carefully concealed from the vulgar gaze of the people, and locked up in the vaults of a locofoco bank (what wonders they may have wrought there, have not been disclosed), are dragged out and paraded, as full proof of the corrupt exercise of a foreign influence, in the election of General Harrison, as president of the United States! Why, sir, the amount of the whole of it is, that the gentlemen, calling themselves, most erroneously, the *democratic party*, have administered the government so badly, that they have lost all credit and confidence, at home and abroad; and because the people of the United States have refused to trust them any longer, and foreign bankers will not trust them either, they utter a whining cry, that their recent defeat has been the work of foreign influence! *Democratic party!* They have not the slightest pretension to this denomination. Thank God, *true* democracy, and *true* democrats, have not been run down."

In reference to General Jackson's revival of the charge of "*bargain*," in 1827, Mr. Clay said: "While he [Gen. Jackson] has made no protest against any benefit that may *accrue to himself*, from the dissemination of such a charge against me, he is extremely desirous not to be considered as my *public accuser*. He has indeed

not appeared before a grand jury to support a bill of indictment against me. Neither did he arraign me, when, acting under the oath of a senator of the United States, he passed upon my nomination," or LET it pass.—" The public—as I certainly had—prior to the last summer, supposed, that the charge had originated with Mr. George Kremer's letter to the Columbian Observer. But recent disclosures of General Jackson and his partisans, satisfactorily establish, that, although the sternness of Mr. Kremer's patriotism prompted him 'to cry aloud and spare not,' he must be stripped of the borrowed merit of original invention, which impartial justice requires should now be transferred to a more distinguished personage."

In his speech of July 12, 1832, on President Jackson's veto of the bank bill, speaking of a charge on him and his friends, of "a premature agitation, for electioneering purposes," Mr. Clay says: "The other side understands perfectly, the policy of preferring an unjust charge, in order to avoid a well-founded accusation."

In reply to Mr. Calhoun's notions of *free trade*, March 22, 1842, in senate, Mr. Clay said: "Yet still he [Mr. Calhoun] clings to his free-trade doctrine, though it has proved so ruinous to his own state, and to southern interests, as well as to northern;—to that free trade, which has depressed the price of cotton to a point below what it has ever brought since the close of the last war. In spite of all the teachings of experience, as well in his own, as in all other nations, still he deafens us with the cry of '*free trade!*' Really, the case of the honorable gentleman is without any parallel, that I know or ever heard of, unless it be that, which we find in the immortal work of Le Sage. Gil Blas was engaged in medical practice with the far-famed Dr. Sangrado; and after having gone as far as his conscience and his feelings could at all endure, he came at last to the doctor, and said to him: 'Sir, your system won't do. I have been bleeding and administering warm water with unflinching resolution, and the consequence is—and I must tell you frankly—all our patients—nobles, gentlemen, bourgeois, men, women, and children—all, all are dying! I propose to change the system.'—'What!' said the astonished Sangrado, 'change our system? change our system? Why, sir, do you not know, that I have written a BOOK, and that I must preserve my CONSISTENCY? Yes; and sooner than change my system, or write another book to prove it false, let nobles, gentlemen, bourgeois, men, women, and children, and ALL, go to—I will not say where.' The honorable senator seems to act on the self same plan. Instead of recommending hot water and bleeding, he recommends *free trade;* and though he sees, from year to year, that his prescriptions are killing all his patients, he spurns the idea of changing his system, because he must preserve his CONSISTENCY!"

In the same speech of March 22, 1842, Mr. Clay, in noticing his opponents on the land distribution policy, said: "We are met at every turn and corner, by these senators, with a demand for the restoration of the proceeds of the public lands. They oppose loan bills, duty bills, every scheme of finance, and would stop the whole machinery of government, because a majority in the two houses of Congress differ in opinion from them, as to the disposal of the proceeds of the public lands. They cry aloud, in the highest tones of plaintive and imploring eloquence: '*Give us back the lands!*' Really, Mr. President, their condition recalls to recollection the degraded case of the dishonored widow, who held a title to a certain description of copyhold estate in England, and had forfeited her right by misconduct. To obtain the restoration of her lands, she had to appear in open court, mounted on a black ram, and to present an humble petition, couched in terms which I will not exactly recite, lest they should offend the delicate sensibility of grave senators; but of which the following is a slight paraphrase, and gentle expurgation, kindly furnished by a friend near me:—

"'Here I am,
Riding on a black ram,
Weak woman that I am;
And, in spite of worldly shame,
I have played this wicked game—
So, pray, Mr. Stewart,
Let me have my land again!'

"Now, sir, although I should not wish to see such elegant cavaliers, as the two senators from New York and New Hampshire [Mr. Wright and Mr. Woodbury], appearing at the door of the senate-chamber, so ill and so ungracefully mounted, as they would be upon such an animal, may I not insist, before we *let them have their land again*," &c.

The following laconic epistles are not less instructive than humorous:—

"New York, *Dec.* —, 1844.

"Dear Sir: Deprived, as we are doomed to be, of the pleasure of having yourself at our head for a few ensuing years, will you allow us the minor pleasure of having ourself at yours, for a brief period, by accepting this hat? and may it afford to you, sir, what you have so zealously labored to secure to us—protection.

"Your obedient servant,

"Orlando Fish.

"Hon. Henry Clay."

(reply.)

"Ashland, *Jan.* 29, 1845.

"My Dear Sir: I offer many and cordial thanks for the hat which you have kindly presented to me, and for the note which

accompanied it. The hat might have 'protected' a better and wiser head than mine, but no head was ever covered by a better or more elegant hat.

"Your friend and obedient servant,

"H. Clay.

"Orlando Fish, *New York.*"

"In the name of wonder, what have we here?" exclaimed Mr. Clay one day, during the extra session of 1841, as he was walking with a friend near the White-House, and observed a troop of opposition members of Congress marching to call on Mr. Tyler, and, as afterward appeared, to congratulate that notorious worthy for his veto on the bank. Mr. Clay looked volumes of mischief at the spectacle.

On the 2d of September, Mr. Buchanan said in the senate: "The president had shown himself a man of mettle." Mr. Clay replied:—

"The senator, who belongs to a party, boastingly democratic, is found defending prerogatives—*regal* prerogatives. He would sustain the executive even in a whole shower of vetoes, when he and his friends, if consistent, should be in opposition to this monstrous principle of power. He [Mr. Buchanan] would go over to the president, and invite the president to come over to him and his party. Sir, the president is insulted. He is too honorable a man to indulge in such perfidy. Such treachery would be inconceivable. The soil of Virginia never had given, and never would give birth to treason. I believe in the purity of blood; and the father of John Tyler was one of the noblest and most patriotic men of the ancient commonwealth of Virginia. It is impossible that the son should be guilty of such treason. The human mind could not conceive of greater turpitude.

"Rumor had said, that a party of the opposition had visited the president's house, the night after the veto. He [Mr. Clay] did not know as to the fact. But he would *suppose* a case. There, he would imagine, among those gathered for the great congratulation, was the senator from South Carolina [Mr. Calhoun], looking as if he were deducting the nicest abstraction that had ever issued from his metaphysical brain. There, he presumed, was the senator from Alabama [Mr. King], ready to settle, in the most positive manner, any question of order that might arise. He supposed many others were present. There, too, was the senator from Pennsylvania [Mr. Buchanan], as their distinguished leader, addressing the president in something like the following manner:—

"'May it please your excellency: my political friends and myself have come this afternoon, to deposite at your excellency's feet, the evidences of our loyalty and devotion. We have come

more particularly to express to your excellency the congratulations to which we think you are entitled, for having relieved the country from the danger of a violation of its constitution, by the establishment of a bank of the United States; and we owe to your excellency our special acknowledgments for the veto with which you have favored the country to-day; and for *special* reasons, we struggled against your excellency's friends in both houses of Congress, for days and weeks together; we exhausted all our powers of logic and argument to defeat the alarming measure; but, in spite of that, the friends of your excellency, in both houses, proved too strong for us, and carried it against our united exertions; and we come now to thank your excellency, that you have done that against your friends, which we could not accomplish with all our exertions.' "

Mr. Benton came in for his share, and while Mr. Clay was describing his hypothetical part with graphic power, he rose, and denied with great vehemence that he was there. "It is only a *supposition*," said Mr. Clay. Mr. Calhoun, too, denied. Mr. King colored, and Mr. Buchanan betrayed much feeling, when he rose to rejoin. Mr. Clay desired him to consider, that it was only an hypothesis. Mr. Buchanan would not consent to be interrupted. "Go on, go on, then," said Mr. Clay. It was reported that Mr. Buchanan afterward complained, that he could not convince his constituents, that he did not make that speech to his "excellency."

Mr. Clay came up the Ohio, August, 1845, in the steamer Senate. "I had hoped," said Mr. Clay, as he went on board, "that I had done with public life. But I see I must go into the SENATE again."

It will have been seen, that some graver thoughts have been necessarily mixed up with these more sprightly demonstrations of Mr. Clay's intellectual and moral powers. The selections might have been greatly extended; but these examples of brilliant, and sometimes dazzling emanations of thought and feeling, not confined to lighter matters, but often entering into the most solemn debate, may suffice to show the versatility and prolific character of these lofty and shining qualities, as developed in Mr. Clay's social intercourse and public life. If the use of these weapons has occasionally offended, and sometimes made enemies, it has nevertheless been greatly effective for the chastisement of vice, and for the rebuke of political degeneracy. Happy the nation, which has a pure and overawing spirit, whom the people can and must observe, standing up in the midst of them, to see and urge the right, to point out and denounce the wrong.

CHAPTER VII.

THE POLITICIAN—STATESMAN—DIPLOMATIST—AND PARLIAMENTARIAN.

THERE is a manifest distinction between a politician and statesman, though one character may often be blended with the other. The term, politics, has a very wide and comprehensive scope. At one time, it means party politics, or the arts, devices, and means of promoting the interests of one party, in opposition to another, or all others—one branch of which is a public or national policy, advocated by one party against another. In this sense, he is a politician, who applies himself to support and advance his own party. In another application, the term indicates a national policy in relation to the policies of other nations. This department blends itself with the appropriate functions of a statesman. So also may a domestic policy. But the more common understanding of the character of a politician, is that of a man who devotes himself to party politics. In this view, a man may at the same time be a very good politician, and a very bad statesman, and *vice versâ*. He may be an honest or a dishonest politician. He may be a politician just so far as the duties of a pure and patriotic statesman go; or only as an unprincipled demagogue, all whose aims are selfish and base. In short, politics are not, in themselves, inconsistent with the character of the best and purest men; and inasmuch as the most important, the most sacred, and the dearest interests of society, are in the hands of politics, the only pity is, that the best men are not the only politicians. Politics might be, and ought to be, a high and sacred vocation. No country can be well governed, where it is not so regarded, and where public opinion does not make it so. No man's virtue, patriotism, or religion, can be better, or more worthily employed, than in politics. There is no necessity that politics should vitiate him; but it is his duty to purify politics.

If honest politicians are rare, it will be found that Mr. Clay has a strong claim to rank in that class, if, indeed, he has any claim at

all to the character of a politician. Of this last, without derogation, there is good reason for saying, that he never was a politician for himself. The history, exemplifications, and evidences of his patriotism, presented in another chapter of this work, will evince, that Mr. Clay has ever been as simple as a child, as to any anxiety or devices for his own advancement; that, for the promotion and security of his great patriotic objects, he has many times prejudiced, not unfrequently sacrificed, his chances of political promotion and of personal aggrandizement; and that his zeal for the public good, has been the greatest injury to himself. Who can doubt, that if ambition for precedence of all others, in political preferment, had been his passion, he could at almost any time for the twenty years previous to 1844, and even in that year, have arrived at the goal?

It was for like reasons inconsistent with Mr. Clay's general character, that he should be a consummate politician for his party, in the practical tactics of its machinery—more especially in consideration of the character of his political opponents. He could never—God be thanked—he could never depart from his rules of uprightness and honor—and his opponents knew it. During his whole political career, he has trusted to the intelligence and virtue of the people, and from that rule he has never deviated. Under the overwhelming persecutions he suffered from the great conspiracy formed against him in 1824–'5, during the pendency of the presidential election, by the house of representatives, which continued for years, and have never altogether ceased, he still trusted in the intelligence and virtue of the people; and in the hottest of that conflict, in 1827, while on his way home from Washington to Kentucky, with a copy of General Jackson's letter of the 6th of June of that year, to Carter Beverley, in his pocket, just obtained at Wheeling, he said in a note to a committee of his fellow-citizens of Maysville, who had invited him to a public dinner, respectfully declining it, "Although my enemies are resolved to spare no exertion to destroy my public character, I will triumph over all their machinations, *because truth is triumphant, and public justice is certain.*"

A few days after this, July 4th, in a letter of reply to a committee from Madison county, Kentucky, who had also invited him to a public dinner, and in their communication spoken in high commendation of his views of public policy, as comprehended in the American system, Mr. Clay said:—

"All who are opposed to the American system—all who are

opposed to internal improvements, are now united with others in their endeavors to defeat the re-election of the present chief magistrate [Mr. Adams], and to elevate another individual [Gen. Jackson]. Should they succeed, there can not be a doubt, that the most powerful element of this association would afterward prevail in the conduct of public affairs. Against such inauspicious results, the best security is *the intelligence, candor, and virtue of the people. A reliance upon this security has been the great maxim of my public life.* I have never heretofore been deceived by it. And I am extremely glad to be authorized to assure you, that daily developments of public sentiment justify the confident anticipation, that the truth of the maxim will be again confirmed."

The result in that instance, and for the great controversy then pending, as is well known, was a disappointment. But still Mr. Clay has never abandoned his "MAXIM." The test of it may be long protracted; Mr. Clay may even sink down into his grave, before its truth, in regard to himself, will be fully realized; nevertheless, it is a good and a sound one. He who has reposed so much confidence in the people, will not in the end—certainly not in history and with posterity—lose his reward.

No good man, no American citizen, could desire, that Mr. Clay should have been less honest, less generous, less confiding, less magnanimous, if that were necessary to have made him a better politi cian. That he has been able to see and tell the truth, and that, on fit occasions, he has always been frank enough to do so, will be unfading honor to his name, and though he may have suffered, his country will reap the benefit. But Mr. Clay has not been a bad politician; and the reason why will be found in the fact, that the public, the world, friends and foes, have believed he was an honest one. That honesty is the BEST policy, has been most strikingly illustrated in his public life. He may have made mistakes, as a politician. Who has not? But a general conviction of his uprightness, has done more for him, than he has lost by errors. Even his alleged mistakes have this relief, that, they are open to question as facts of this description. He who is so generally right, lends a sanction even to his defects.

But it is as a STATESMAN, that Mr. Clay has been preëminent. In another chapter his shining pathway as the parent, advocate, and guardian of the American system, has been so far delineated, as to supersede an extended notice of it here. That prolific genius which begat such a progeny, that skill which fashioned its

various branches and adjusted their relations, that science which comprehended their nature and functions, that power of development and adaptation which the process evinced, that knowledge of other nations as well as of this that was demonstrated, that discernment of the new and peculiar position of the American people and their various interests indicated by the plan, that comprehensive survey of the physical capabilities of this western world which must have been taken, that thorough analysis made of the various systems of political economy which had been propounded to the world or reduced to practice, that practical view which every aspect of this system manifests in relation to the moral, social, political, and physical peculiarities of the United States, and the perfect construction of the whole as wanting nothing and requiring no emendation, more resembles the work of a power superior to man, than of man himself. The system is a FACT, which all can see. And who will say, that this is an extravagant picture? Nor will any pretend, that the system is not an invention, or deny its authorship. It was not, indeed, a creation of the elements of which it is composed; but it was putting them in order.

The purchase of American independence, was no blessing, but would have proved a positive disadvantage, without this. Without this, it was no independence at all, but an aggravated bondage. The confederation was but a rope of sand, and contained in itself the elements of certain dissolution. It was on the eve of dissolution, when the federal constitution was framed, and that instrument was made expressly to introduce and establish the American system, or that part of it which constituted its nucleus. But where was the genius to find and bring out the several parts of that system, to fashion them, and to establish their relations? And where he eloquence adequate to commend them to the approbation of he public mind, and to the sanction of the public authorities? It was the work of an age to do it. Providence sent Washington to clear the field of tyrants, and Henry Clay to fill the treasury of the emple of freedom.

But this is only one point of view—a very strong one certainly —in which the sagacity and superior tact of Mr. Clay, as a statesman, appear. He seems to have been providentially endowed, inspired for the high, important, and influential functions of a statesman. The hunting up and putting together of the parts of the American system, and the work of making it perfect, so that it ould have no defect, and require no addition, as to its elements,

was a mission of unsurpassed beneficence to that portion of the human family, for whose benefit it was devised. The moment that Mr. Clay appeared upon the public stage, he began to unfold this scheme, as if he were commissioned from above for that especial errand. He opened it in the legislature of Kentucky, before he took his seat in the national councils; it was the first demonstration he made in the latter field; and it was his great theme for half a century of public life, from the time when he first proposed to the legislators of his adopted state to clothe themselves from head to foot, in domestic fabrics and productions, till he bade farewell to the senate of the United States the 31st of March, 1842. It need not here be said, that he was opposed at the outset, and through his whole career; that storms blew upon his face, and tornadoes swept past him, and earthquakes rocked the land, while he stood up, and marched onward, fighting his way to the goal of his ambition, the establishment of his system of public policy. It was in these conflicts, and in the gradual success that attended his efforts, that his powers and superiority, as a statesman, were evinced. It is not alone what he achieved, but what he had to oppose, that claims to be considered, in the estimate of his powers. One of the greatest feats of his life, as a statesman, in the management of the domestic policy of the country, was in an apparent defeat. He was victor in the event of being beaten. The compromise tariff of 1833 was an imagined triumph of his opponents. They had the whole subject under their control, and could do what they pleased with it. But the great principle of the protective policy was rescued and shielded in the very act, which was conceded and sanctioned as the signal of its destruction. It was an opportune advantage taken of General Jackson's personal position in relation to Mr. Calhoun, that saved it. But for this, the whole of this part of the American system would have been swept by the board on that momentous occasion.

To travel backward in the order of time—such order being not very material in these brief glances at the more prominent features of Mr. Clay's career as a statesman—the adjustment of the Missouri question, by his sole influence, in 1820, is a memorable instance of his consummate address in bringing order out of confusion, in throwing oil upon a troubled sea, appeasing the passions of an agitated people, and reducing to lasting repose a republic on the eve of dissolution, by determining a question, which, under

prudent management, could never again be the occasion of disturbance.

Still going back, who that is acquainted with the history of the country, can be ignorant of the part enacted by Mr. Clay, in the war of 1812? He was then comparatively a youthful statesman. But if he had a young man's feelings, it can hardly be denied, that he had ripe views. They were at least a match for opponents, domestic or foreign. The facility with which he addressed himself to every public exigency, the unerring certitude of his measures for specific ends, the equal pace of his intellect and zeal, and the apparent infallibility of his judgment, in dealing with friends and foes, in making war and making peace, during such a crisis of public affairs, while nations were the parties in strife, were no bad certificates of those rare and high qualities, which constitute the sternest proof of statesmanship.

It is not a purpose of this chapter to review in detail a long life that has been chiefly devoted to affairs of state, in quiet and turbulent times, the history of which is almost as familiar to the children of the land, as the lessons of their class-books. It is sufficient for the present aim, so far to direct attention to this feature of Mr. Clay's character, as simply to revive a common impression which the country, the world has received of the extraordinary aptitude and effectiveness of his talents as an American statesman of the nineteenth century. It is in this capacity that the world has ranked him among the prominent and leading men of the age, and this is the mark by which he will be known in history. To have originated, formed, propounded, and established a system of political economy for a young, but great nation; to have watched over and fostered that system, for nearly half a century, with the affection of a parent, and the fidelity of a patriot; to have fought for it through evil report and good report, against foes abroad and foes at home, putting it forward when he could, and saving it when in jeopardy; to have cheered the nation onward in prosperity, and to have come to her rescue in adversity; to have fought her battles successfully in the public councils; to have rebuked tyranny abroad, and to have pacified alarming domestic strifes—never unequal to any occasion of the nation's wants—these are qualities which can not fail to be appreciated by those who observe them, and which can not fail to be observed, as well by contemporaries, as by future generations.

The functions of a DIPLOMATIST are so nearly allied to those of a statesman, that it might seem difficult to find the difference between the two. They are properly but a department of a statesman's duty, in the management of foreign relations. But the office puts in requisition talents of a peculiar, of the highest order. The vast amount of duties of this class imposed on the British government, requires a separate department of a secretary for foreign affairs, and so of some other European governments. Hitherto this function of the government of the United States has been confided to the head of the state department, or secretary of state. It is properly, however, a distinct office, and will probably ere long require a separate department in the government of this country, as in other great commercial nations. There is not a more responsible position in the federal administration—none having more delicate or more difficult relations in charge—none on which such important and momentous consequences are always pending. It is true, that the theory of the government of the United States supposes, that the heads of the departments are executive instruments, and makes the president responsible for the discharge of their duties, and the secretary of state conducts his foreign correspondence in the name of the president. Nevertheless, it must be seen, that, in the practical operations of the executive, the heads of the departments are generally in fact HEADS. The president is guided by them, not they by the president. If the secretary of state is fit for the place, he is most fit to be the real responsible agent of his department.

It can not but be seen, that the diplomatic department of the federal government, in the management of foreign relations, always holds in its hands the questions of peace and war—more even than Congress. Though Congress alone has the constitutional power to *declare* war, a secretary of state may breed war, and force Congress into it. Congress has no control over the subject, except to decide ultimately, whether the nation shall or shall not fight. The foreign diplomacy of the government is virtually the leading and controlling power; and if the executive is disposed to war, his secretary of state, in most controversies that arise with foreign powers, can easily manage them so as to force Congress into the passive necessity of declaring it, and providing for it.

Not less potent and responsible is the state department, in its diplomacy with foreign powers, in regulating and controlling the foreign commerce of the country. These vast interests, therefore,

questions of war, and the foreign commerce of the whole people, are very much in the hands, and at the disposal, of the secretary of state. Though Congress may be jealous of the action of this department, while they are sending for documents and calling for information, these great and momentous questions may be so far decided, that Congress can have no control, nor even a check.

There is yet a more important view of the powers of the state department. It is not only capable of exercising an influence, as above described, over *pending* questions, but it may lay out work for the future, for good or for evil, the extent and importance of which, to the great and vital interests of the country, can not be estimated. While a sagacious and far-seeing statesman, at the head of this department, uniting his diplomatic skill with his patriotism, makes wealth, and peace, and prosperity, for the nation, for generations to come, an incompetent man in this place, or a vicious one, who has neither the ability, nor the heart, to do good—who had rather breed war, than preserve peace—who has no just conception of the true interests of the country, or who is a mere empiric in political economy—though the immediate effects of his incompetency and viciousness may not be apparent, ages may pass away, before remedies can be found for his mischief, or before that mischief shall be fully developed.

As time advances, the evidences are accumulating on all sides, that the administration of John Quincy Adams was one of the most wise, patriotic, pacific, just, and wealth-producing, in the history of the country; and no small part of that benefit may justly be ascribed to the aid he received from his secretary of state. Mr. Adams himself was a great statesman, bred in the school of statesmen, and all his life exercised in the business of state, with recognised skill, and approved fidelity. The seven years immediately preceding the administration of Mr. Adams, was a period of great commercial embarrassment and distress; and the seven years subsequent to his entrance on the duties of chief executive, was a period of great public and private prosperity.

Of course, the distress of the first of the abovenamed periods, was chiefly owing to the want of protection, and the prosperity of the second, to the fact of protection; but it was the prevalence of the counsels of Mr. Clay, and the beneficent administrative policy of Mr. Adams, united, that brought the country into the latter condition, and so long kept it there. Mr. Clay and his friends supported Mr. Adams for the presidency, because they believed he

was friendly to this policy, which they knew was indispensable to public prosperity. Mr. Adams as president, and Mr. Clay as secretary of state, occupied the positions, respectively, which enabled them to carry out this policy at home and abroad, in domestic and foreign commerce, and in the management of foreign relations. It might be difficult to say, which were more important, the home or foreign functions of the state department, for the accomplishment of these beneficent results. It is manifest, however, that the diplomatic office of the secretary was indispensable, if not paramount; and the skill, energy, and efficiency, with which it was conducted, during this administration, have no parallel in the history of the government. The number of treaties negotiated by Mr. Clay at the seat of government, in four years, exceeded the whole number that had been concluded there since the adoption of the constitution, or in thirty-five years—among which were new treaty arrangements with Denmark, Prussia, the Hanseatic republic, and Austria; original treaties with Colombia and Central America; and a settlement with Russia, for claims of American citizens. Important advances were made in diplomacy with the government of Great Britain, for various political and commercial objects, while Mr. Gallatin was minister there. The subject of commercial treaties was discussed with great ability, Mr. Clay advocating the principle as preferable to other modes of regulating international commerce. The navigation of the St. Lawrence, and the northeastern boundary, were topics of debate. The claims of American citizens on Denmark for spoliations of commerce, were adjusted. The political and commercial relations of the United States with the numerous European powers, with the South American states, with the border republic of Mexico, and with other foreign parts, were promptly taken in hand, so far as they required any new attentions, and were managed with an adroitness, a vigor, a dignity, and a regard for American character and interests, which have usually characterized the conduct of Mr. Clay in all other capacities of a statesman. If in anything he has excelled, it has been in nothing more than as a diplomatist. Not unknown to the world, his reputation gave him a commanding position; and every foreign power, in its diplomatic connexions and intercourse with Mr. Clay, felt, that it was dealing with a man worthy of respect, who would no more suffer indignity or wrong, on himself or his country, than he would do it. No diplomatist ever knew better how to take up a position, or how to maintain it, with opponents, than Mr. Clay.

The reputation he acquired at the treaty of Ghent, in connexion with his associates, which was his debut in this capacity, signalized his diplomatic talents, not less in the eyes of Europe, than of his own country. The British commissioners were routed in the field by the American commissioners, and they felt the power of the man, whom their own press in London was at that moment stigmatizing as "the furious orator, Clay," and as "the man who killed Tecumseh, and cut several razor-strops out of his back after he was dead!" Mr. Clay seems to have been born for triumph on every stage, where intellect and high-toned feeling are put in requisition, where mind clashes with mind, where address encounters address, knowledge vies with knowledge, and where intuitive perception of truth and right must needs have the mastery.

In the despatches of the American commissioners at Ghent, of October 25, 1814, they speak discouragingly of the prospects of peace. As, in fact, there were formidable obstacles interposed by the British commissioners, in departing from the BASIS of negotiations proposed by Lord Castlereagh, in his letter of the 4th of November, 1813, to the American secretary of state, and in setting up unexpected pretensions and claims, altogether inadmissible, this advice was proper and politic for its domestic influence in the United States, that efforts for the prosecution of the war should not be relaxed. Mr. Clay's private opinion, however, was more encouraging, and he wrote a private, confidential note to Mr. Monroe secretary of state, to that effect, to be used at his discretion. This is an evidence of Mr. Clay's sagacity. He was right. This private letter, no doubt, was of great service to the government, to induce them to maintain their ground.

The reasons assigned by the American commissioners, in their despatches of the above date, which were founded on facts, in the then state of the negotiation, clearly put the faith of the British government, pledged in Lord Castlereagh's note to Mr. Monroe, on the defensive. The basis of negotiation, as proposed by his lordship, was "upon principles of perfect reciprocity, not inconsistent with the established maxims of public law, and the maritime rights of the British empire." As "maritime rights" were the chief cause of the war, it was, of course, the chief question in controversy, and it was open for negotiation, so far as the parties chose to make it one; but the new questions, about the Indian tribes, boundaries, and the military condition of the border lines, in the shape presented by the British commissioners, were in direct vio-

lation of Lord Castlereagh's first two terms of the BASIS proposed by himself, and not less inconsistent with the understanding entered into at the first conference of the commissioners of the two governments. But Mr. Clay saw, that the British commissioners had taken untenable ground, from which they could easily be driven by weapons drawn from the history of their own negotiations for centuries; and hence his private note to Mr. Monroe.

The credit and final triumph of the American commissioners, Messrs. Adams, Bayard, Clay, Russell, and Gallatin, in the joint acts of this negotiation, are, of course, to be shared equally among them. Which of them may have been more influential and more useful—as men acting in a collective capacity usually differ from each other in their qualifications and fitness for specific duties—may perhaps properly be a subject of private opinion, while it would be invidious to give public expression to such comparisons. It is sufficient to say, that the protracted diplomacy of this occasion, as the world has ever since acknowledged, was managed with a truly American and patriotic spirit, and with consummate ability, on the part of the American commissioners, and that Mr. Clay had his share in it. He was taken from his position as speaker of the house of representatives, where he had been a leader in the war, and added to the commission after it was first appointed, in company with Mr. Russell, because it was judged, that he was equally well fitted for the office of making peace.

It can not but be instructive, as well as amusing, to observe, in the progress of this negotiation, that, at the very point where it seemed to be drawing to a close without result, and in the very note of the British commissioners in which they communicate their ultimatum of a proposal to get over the great obstacle, to wit, the inclusion of Indian tribes in the United States in the terms of pacification, they give up the point entirely, while—to preserve the appearance of consistency and generosity—they put on the air of conceding only a part of it. Of course the American commissioners fell in with it, and the door was then opened for discussing the other points.

It has been supposed by some, that the silence of the treaty of Ghent, regarding the great question of maritime rights, for which war was declared, was an abandonment of those rights on the part of the United States, and that nothing was gained by the war. It will be found, however, that the necessity of treating on that subject was superseded by the general pacification of Europe, after the

overthrow of Napoleon. Anticipating a possible change of this nature, the instructions of the American government to their commissioners, of the 15th of April, 1813, have in them the following contingent clause: "It is possible that some difficulty may occur in arranging this article [on maritime rights] respecting its duration. To obviate this, the president is willing, that it be limited to the present war in Europe. Resting as the United States do, on the solid ground of right, it is not presumable that Great Britain, especially after the advantage she may derive from the arrangement proposed, would ever revive her pretensions. In forming any stipulation on this subject, you will be careful not to impair by it the right of the United States, or to sanction the principle of the British claim." The British commissioners, in their note of October 21, 1814, say: "The undersigned conceive, that after the pretensions asserted by the government of the United States, a more satisfactory proof of the conciliatory spirit of his majesty's government, can not be given, than not requiring any stipulation on these subjects, which, though most important in themselves, no longer, in consequence of the maritime pacification of Europe, produce the same practical results." With this clearly implied pledge from the British government, that no practical difficulties were likely, thereafter to occur by their claims, and with the contingent instructions of the American government, above cited, it will be seen, that the American commissioners were justified in waiving the subject. No practical difficulties have since occurred in the progress of thirty years.

In a short speech of Mr. Clay, at Vincennes (Ind.), June 6, 1817, he made the following remarks, touching this treaty:—

"The history of that negotiation [at Ghent] is short. Great Britain having, in conjunction with her allies, overthrown the power of Bonaparte, was freed from any European enemy. At liberty to apply the immense force which she had accumulated, to the prosecution of the American war, she sent her commissioners to Ghent, vainly expecting to dictate the conditions of peace. The terms which she proposed were rejected, and after much useless consumption of time, others, in the outset substantially tendered by the American commissioners, were ultimately agreed to, which compromitted the honor of neither party. The rejection of her extravagant propositions, was a duty so obvious, that it was impossible for any one, partaking in the smallest degree of American feelings, to pause in the discharge of it. No skill was requisite in the management of such a negotiation; and if its result was

so widely different from what was indicated in its earlier stages, it must be attributed to the knowledge which the enemy had acquired of the American character and spirit, and to the conviction forced upon him, that the people of this country were not prepared tamely to assent to a violation of the integrity of their territory, nor to the surrender of one single national right."

It was under Mr. Clay's administration of the state department, that the famous and much-debated Panama congress of the South-American republics, was convened, to which the United States were invited to send representatives. At the time, it was regarded as an event of importance. It was certainly calculated to excite interest, as well in Europe, as in America. It was a fit occasion to call forth sympathy in the people of the United States. Great principles of freedom, and of international law, common in their importance to North and South America, were involved in the relative social and political position of the occidental world toward the European. The holy league, or holy alliance, was then supposed to be concerting measures for the destruction of freedom throughout the world. The forces of Spain had been driven from the American continent; but the independence of her former possessions in the south had not only not been recognised, but there seemed a disposition in the European powers to encourage the efforts of Spain for a reconquest of her lost dependencies. It was deemed of great political importance, that the colonial possessions of Europe in America, should be maintained, and with this doctrine was coupled the declaration of the right of European powers to extend colonization in America, which must needs be vindicated on the same platform with the right of maintaining old possessions. Admitting these facts, which were extensively believed, and not without foundation, it was impossible not to see, that the United States were deeply concerned in this political attitude of Europe, in the holy alliance. It was the example of North America, that had excited South America to rebellion, and where was this train of revolution to end? All must be recovered, or all lost, was the natural reasoning of European powers.

There is positive evidence, that this question was submitted to the holy alliance, in the reply of Count Nesselrode to Mr. Middleton, found in the correspondence, expressed in the following unambiguous form: "Whenever Spain has wished to discuss the future condition of South America, she has addressed overtures to all the allied powers of Europe." If that league was formed for

any such purposes as have been ascribed to it—if it was not libelled—the parties to it must have been very stupid in overlooking this question. But Count Nesselrode has placed it beyond doubt. Though the results of the congress of Panama, in respect to the domestic condition of the South American republics, have not yet proved so auspicious as could have been wished, it is impossible not to observe, that the moral effect of the representation in that body from the United States, may have been sufficient to discourage the demonstration that was supposed to be hatching in Europe for the reconquest of South America, and for other and more extended congenial operations. The instruction conveyed by this hypothesis, is replete with interest, as furnishing probable evidence of the importance of that movement—an importance which can not be overestimated—a movement which was innocent in itself, hazarding nothing, and in all probability throwing a shield over a whole continent against the machinations and advances of despotism.

It will be seen, indeed, by Mr. Clay's instructions to the Panama mission, he generously allows, that the continental powers of Europe had been somewhat discouraged in their scheme to support Spain, by the fact, that Great Britain had followed the United States in recognising the independence of South America. Mr. Clay, however, adduces this apparent pause of the holy alliance, for such a reason, rather as a ground of encouragement to the course proposed by the United States, than as reliable evidence of the future security of the American republics against such a conspiracy. He proposes to take advantage of such a state of things, to rescue and shield the free institutions of the western world for ever from such perils.

Such, it may be supposed, were the views, and such the motives of Mr. Adams and his cabinet, in consenting to and resolving on the representation of the United States in the congress of Panama, in connexion with other important political objects, such as an interchange of republican sympathies, and laying the foundation for future commercial intercourse. The skill and tact with which Mr. Clay managed the complicated diplomacy of this occasion, steering his course, with infallible aim, between Scylla on the one side, and Charybdis on the other, are unrivalled in the history of such transactions. He saw it was necessary to make an impression on the holy alliance. He therefore addressed himself to the emperor of Russia, through Mr. Middleton, the minister of the United

States, at St. Petersburg. With an eye on the occasion and the object, a careful perusal of that document, can not fail to excite sentiments of admiration. There is reason to believe, that it produced its intended effect—certainly, that it was not without influence. Considering that Count Nesselrode was one of the most accomplished diplomatists of the age, his reply is a sufficient indication of the impression that had been made.

But Mr. Clay's letter of instructions to the Panama mission is not less comprehensive and perfect in its kind, than that system of domestic policy devised by him, commonly called the American system. This is an American system of *foreign* policy, gathering up all the principles sanctioned by authority and experience in the past, and adding, from the secretary's prolific genius, all that might seem necessary for the future. It will be read with interest, and can not be read with too much attention. No political opponent has ever been able to find fault with it. The mission was violently opposed, both in the senate and in the house of representatives, and the most disastrous results were predicted. It was not believed, that the secretary of state could give unexceptionable instructions to so delicate and difficult an embassy, and the document was afterward called for in the confident expectation of game. But it was no sooner seen, than they who called for it, wished it out of sight. Instead of destroying its author, as was hoped, it tended rather to immortalize him. It is a comprehensive American code of foreign policy, equally applicable to South, as to North, America—*truly American*, as opposed to the political systems of Europe, put forth for the very purpose of opposing them, as to all their defects, vices, and enormities.

It is remarkable, that Mr. Clay, in this document, should have incidentally anticipated, twenty years in advance of any special interest felt on the subject, the WHOLE of the Oregon question, not only defining the bounds of the territory, to exclude the British claims altogether, but denying all right in any European power to make settlements there. The following is a part of his statements and reasoning on the subject:—

"From the northeastern limits of the United States in North America, to Cape Horn in South America, on the Atlantic ocean, with one or two inconsiderable exceptions; and from the same cape to the *fifty-first degree of north latitude*, in North America, on the Pacific ocean, *without* ANY *exception*, *the* WHOLE *coasts and countries* BELONG *to sovereign resident American powers. There is, therefore,* NO CHASM *within the prescribed limits, in*

which a new European colony could be now introduced WITHOUT VIOLATING THE TERRITORIAL RIGHTS OF SOME AMERICAN STATE. An attempt to acquire such a colony, and by its establishment to acquire sovereign rights for any European power, *must be regarded as an inadmissible encroachment.*" (See the document, Niles's Register, vol. 36.)

This language is not only unambiguous, but it is of especial value, as the opinion of such a mind, at such a time; and of so much greater value as it was incidental. It will be seen by the document itself, that the reasoning based on this opinion, and sentiments allied to it, are presented with great force. It was an argument made in advance, more powerful, and more irresistible, than any other that ever can be made. For the other points of these instructions, let the letter speak for itself. Besides the great principles laid down in this document for the guidance of future statesmen and diplomatists, so clearly stated and reasoned out, that none can fail to appreciate them, and be convinced by them, of whatever nation they may be, the country, the world, will never know the extent of the benefit of that mission, because it is impossible to know what evils, and what calamities, to whole nations, and to a continent, it prevented by its moral influence on European powers.*

Mr. Clay's first duties, as a legislator, were discharged as a member of the general assembly of Kentucky, to which he was elected in 1803, where he earned a reputation which lifted him to the senate of the United States in 1806, by the choice of the legislature of which he was a member, to fill up the unexpired term of the Hon. John Adair, who had resigned his seat. This term closed the 4th of March, 1807. In the summer following, Mr. Clay was again sent to the state legislature, and made speaker of the assembly. After a service of two years in that body, in this capacity, he was again, in 1809, returned to the United States senate, to fill up two years of the unexpired term of the Hon. Buckner Thruston, resigned.

In 1811, the prospects of war with Great Britain induced him to forego the higher dignity of a seat in the senate of the United States, to which the legislature of Kentucky would gladly have appointed him for a full term of six years, and to stand as a candidate before the people for the house of representatives, to which

* For the documents referred to in this chapter, regarding the Panama mission, see Niles's Register, vols. 35 and 36; and for the action of Congress on the subject, see Gales & Seaton's Congressional Debates.

he was elected, preferring that field in consideration of the state of the country. When Congress assembled, November 4th, 1811 (a called session), Mr. Clay was elected speaker of the house, on the first ballot, by a majority of 31, out of 128 members present, it being the first day he ever sat as a member of that body, which honor was continuously conferred on him till 1825, when he was appointed secretary of state by Mr. Adams, with the exceptions, that, having been appointed one of the commissioners to negotiate peace with Great Britain, in January, 1814, he resigned to enter upon those duties, but was reappointed speaker at the opening of the fourteenth Congress, 1815; and in 1820, being obliged to retire from Congress, to repair his fortunes, which had been injured by loaning his credit, he again resigned the speakership, and vacated his place in Congress, till 1823, when he was returned again to the house of representatives, and re-elected speaker. The following lines were prompted by this return of Mr. Clay to the house, and to the speaker's chair, and published in the National Intelligencer:—

"As near the Potomac's broad stream, t'other day,
Fair LIBERTY strolled in solicitous mood,
Deep pondering the future, unheeding her way,
She met goddess NATURE beside a green wood.
'Good mother,' she cried, 'deign to help me at need;
I must make for my guardians a speaker to-day.
The first in the world, I would give them.'—'Indeed!
When I made the first speaker, I made him of CLAY.'"

Mr. Clay, therefore, was elected speaker of the house of representatives of the United States seven times, and occupied the chair, in all, about thirteen years—each Congress being elected for two years.

After the close of Mr. Adams's administration, and Mr. Clay's retirement from the department of state, he remained in private life two years, and was returned to the United States senate in 1831, where he held a seat uninterruptedly till the 31st of March, 1842, having spent thirty years of his life in the service of the federal government, five or six in the domestic service of Kentucky—being thirty-nine years from the time he was first elected to the legislature of his own state, till he resigned his seat in the senate of the United States, in 1842.

The dignity with which Mr. Clay presided over the house of representatives for the many years he occupied the chair, the order he maintained, and the despatch of business under his hand, have never been approached by any other speaker. He never hesi-

tated for a decision, and rarely was it appealed from. The turbulent members, such as John Randolph, were kept under a discipline which they feared, and sometimes hated. Mr. Clay could put on dignity like a cloak in the discharge of public duties, and lay it aside as easily in the familiarities of social relaxation. "How can you preside over that house to-day?" asked a friend, as he set Mr. Clay down at his own door, after sunrise in the morning, from a party. "Come up," said Mr. Clay, "and you shall see how I will throw the reins over their necks." He did go up, watched Mr. Clay as he entered the house, stayed through the sitting, and remarked the overawing power which he wielded over the assembly, from the moment he entered till he retired—so entirely different from the relaxations of the social board.

In the senate he was theoretically among his peers—practically he was a prince. The moral influence he exercised there can not be estimated. His deference was exemplary, while his lofty bearing was commanding.

CHAPTER VIII.

MR. CLAY AS AN AMERICAN PATRIOT.

It will be obvious, that the evidences of this character are rather incidents of history, running through a long line, and scattered over a wide field, than an assemblage of facts grouped at a single point, and that such a character could not be fully appreciated by the isolated notices, in their chronological order, which contribute to establish such a reputation. Without anticipating history, in the proper amplitude and appropriate details of a work of this kind, and while engaged in a consideration of those personal attributes of Mr. Clay, which comprehend the numerous and variegated phases of his character, it would be manifest injustice to him, and a defect in biography, not to devote some special and separate attention to a topic, which, in this case, will be found to have one of the strongest claims.

In Mr. Clay's reply to Mr. Rives, of Virginia, August 19, 1841, touching Mr. Tyler's veto of the bank-bill, he incidentally gave one of the finest sketches of the virtue of patriotism, that can be found in the English language. In the earlier part of that day, Mr. Clay had, very temperately and respectfully, reviewed the veto-message, in a speech before the senate, to which Mr. Rives replied, in vindication of Mr. Tyler. Mr. Clay thought Mr. Rives had ascribed to him language which he had not used, and imputed to him motives, of which he was not conscious. On one of the points of rejoinder, Mr. Clay said:—

"The senator says, that, if placed in like circumstances, I would have been the last man to avoid putting a direct veto upon the bill, had it met my disapprobation; and he does me the honor to attribute to me high qualities of stern and unbending intrepidity. I hope, that in all that relates to personal firmness, all that concerns a just appreciation of the insignificance of human life—whatever may be attempted to threaten or alarm a soul not easily swayed by opposition, or awed or intimidated by menace—a stout heart and a steady eye, that can survey, unmoved and undaunted,

any mere personal perils that assail this poor, transient, perishing frame, I may, without disparagement, compare with other men. But, there is a sort of courage, which, I frankly confess, I do not possess, a boldness to which I dare not aspire, a valor which I can not covet. I can not lay myself down in the way of the welfare and happiness of my country. That I can not, I have not the courage to do. I can not interpose the power with which I may be invested, a power conferred, not for my personal benefit, nor for my aggrandizement, but for my country's good, to check her onward march to greatness and glory. I have not courage enough, I am too cowardly for that. I would not, I dare not, in the exercise of such a trust, lie down, and place my body across the path that leads my country to prosperity and happiness. This is a sort of courage widely different from that which a man may display in his private conduct and personal relations. *Personal or private courage is totally distinct from that higher and nobler courage which prompts the* PATRIOT *to offer himself a voluntary sacrifice to his country's good.*" Again: "Apprehensions of the imputation of the want of firmness sometimes impel us to perform rash and inconsiderate acts. It is the greatest courage to be able to bear the imputation of a want of courage. But pride, vanity, egotism, so unamiable and offensive in private life, are vices which partake of the character of crimes in the conduct of public affairs. The unfortunate victim of these passions can not see beyond the little, petty, contemptible circle of his own personal interests. All his thoughts are withdrawn from his country, and concentrated on his consistency, his firmness, HIMSELF. *The high, the exalted, the sublime emotions of a* PATRIOTISM, *which, soaring toward Heaven, rises far above all mean, low, or selfish things, and is absorbed by one soul-transporting thought of the good and the glory of one's country, are never felt in his impenetrable bosom. That* PATRIOTISM, *which, catching its inspiration from the immortal God, and leaving at an immeasurable distance below, all lesser, grovelling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion, and of death itself*—THAT IS PUBLIC VIRTUE—THAT IS THE NOBLEST, THE SUBLIMEST OF ALL PUBLIC VIRTUES."

It is manifest, that the passages above cited, were not designed as a disquisition on the virtue of patriotism. The speech, of which they are extracts, was extemporaneous, in reply to Mr. Rives, who had just sat down. It was indeed an *impromptu*. Mr. Clay had not intended to answer Mr. Rives, even to the close of his speech, and of course had taken no notes, and digested no plan. It was not till a senator at his elbow had prompted him to reply, that he suddenly rose to do it. It was, therefore,

without one syllable of preparation, that he uttered those burning thoughts, which can never be read without a deep and profound sympathy. The effect on the senate and spectators, was electrical thrilling.

Notwithstanding this want of forethought, who, even with time and pains, in an oration or with the pen, could have presented this virtue in a clearer, stronger, or more impressive point of view? The words marked, at the end of the first and second passages, were not intended as a definition. Yet, who could have given a better one, in a rhetorical form? Nothing but a distinct perception, apparently nothing but a deep and heartfelt sympathy with this pure and exalted sentiment, could have qualified the speaker, without premeditation, to describe it with such surpassing eloquence.

Mr. Clay, on this occasion, had been treated, as he thought, unfairly. Certainly there had been no small provocation for severity on his part toward Mr. Tyler. One of the great and leading measures of the whig party, in the first (an extra) session of the twenty-seventh Congress, convoked by proclamation of the patriot Harrison—a measure which had been more distinctly recognised in that call, than any other, as claiming the earliest attention of the new administration, for which the extra session was chiefly summoned—had been vetoed by Mr. Tyler, notwithstanding great pains had been taken, in the organic form of the law, to adapt it to his *alleged* scruples. It was in fact understood, that Mr. Tyler had agreed to give it the required official sanction. Oppressed with this disappointment, and laboring under the weight of a long-protracted sympathy for a country suffering inconceivable evils under a deranged and bad currency, and the bad management of its financial affairs, Mr. Clay rose in the senate, and with the utmost forbearance toward the acting-president, reviewed his veto-message, and respectfully defended both houses of Congress against its unjust imputations. Mr. Rives, either from having presumed that Mr. Clay would handle Mr. Tyler roughly, and from having previously arranged his reply accordingly, withou being able to adapt it—or, being resolved to show fight, without a fit occasion, said things which were not correct, and perverted Mr. Clay's speech. "The senator," said Mr. Clay, "begins with saying, that I charge the president with '*perfidy*.'" After Mr. Clay had risen, and begun to speak of this and other imputations,

equally incorrect, he kindled into warmth, and acquitted himself in a manner, which was pronounced, even by some of his political opponents, to be one of his happiest efforts. He certainly did fall rather heavily on the acting-president in this rejoinder, as will have been seen in the passages above quoted—not that he intended, that his contrast to a patriot should be applied in that direction. But the application was unavoidable. It would be singular, if this accidental description of the virtue of patriotism and its opposite vice, should in this way present to the world a most striking example of each—the speaker for one and a chief magistrate of the United States for the other. Nothing, it is supposed, was more remote from the design of the speaker himself at the time, than that such an application should be made in either case.

"That patriotism, which, catching its inspirations from the immortal God, and leaving at an immeasurable distance below, all lesser, grovelling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion, and of death itself—THAT IS PUBLIC VIRTUE."

Furnished by such authority with this definition, it is proposed to see how it applies to the author himself—a high and stern test, as can not be denied.

It has sometimes, and with much reason, been remarked, that Providence raises up men for all great public exigences, and endows them with the required powers. It has also been remarked, with not less reason, that such exigences seem to demand a *leading mind*. Probably not a single individual in the wide world, competently informed, would challenge the applicability of this theory of Divine providence, to the history of the immortal Washington. The admirable adaptation of his character to the positions he occupied, and of his powers to the tasks imposed upon him, showing him not less endowed with faculties for heroic deeds, than with virtue to demean himself modestly after the most brilliant successes in the field, and in the chair of state, would furnish a difficult problem for one who has no faith in the beneficent arrangements of the Deity.

The achievement of American Independence, and the erection of the machinery of the American government, were accomplished by a class of distinguished men, fitted for the time and the work. But the organic structure was a mere skeleton of the body politic.

Time alone could make the body perfect in all its parts, and healthful in the performance of its various functions. Political society after the revolution was a chaos. But the materials of a magnificent and beautiful creation were there; they gradually came to their places by the supervising intelligence that had ordered them; day and night came and went in regular succession; the stars found their places, and each constellation was grouped; and the earth began to bring forth her fruit in due season. Nevertheless, it was a young creation, and being the work of man, it had its imperfections, admirable though it was. The great defect was the want of a national policy, domestic and foreign, commercial and financial, adapted to the position of the United States among the family of nations, and to its moral and physical capabilities. The nation struggled along for an age, under great disadvantages, arising from this cause. First, the articles of confederation were doomed to a failure, by an experimental demonstration of their incompetency, under an accumulating public debt, and the prospect of national bankruptcy. The adoption of the federal constitution, and the establishment of the first bank of the United States, put the country in a new position, with cheering prospects. One of the professed and grand objects of this new organization of the government being to protect and foster American labor, this policy was immediately carried into effect by the first act of the first Congress, in the imposition of duties on imports, discriminating as far as possible for protection, but not without regard to a revenue commensurate with the expenses of government, and the prospective demands of the public debt. But the common notions of a TARIFF at that period, were most unripe. The nation was in its infancy, and without experience in political economy. A system of internal improvements, to promote and facilitate domestic commerce and intercourse among the states and territories, was scarcely thought of. The powers and capabilities of the country were in a state of comparative inaction, not less in regard to the application of the most productive means of national wealth, than of individual enterprise. A system of national political economy, broad, comprehensive, creative, and active, competent to evoke the energies of the people, and to employ labor with the greatest profit, was yet in embryo. The country was a giant infant, fast growing up to full powers, without knowing how to employ them for the best results, and without the means of employment for that end. Indeed, the necessities of the country, for want of a system of national pol-

icy, in all respects adapted to its internal resources and capabilities, and its foreign relations, were scarcely less urgent, or less distressing, than at the period and during the time of the American revolution.

It was at this juncture of American public affairs, that the young, since called the great, statesman of the West, began to apply himself to the study of this great national exigency. He appeared as a senator in the national councils in 1806, during which term of service—it being but the complement of the unexpired term of the Hon. John Adair, resigned—he delivered his first speech on internal improvement, as one of the branches of that system of national policy, which at that time was being formed in his mind. The speech was not reported, and is therefore not extant. The first great practical application of this doctrine, for national purposes, by the general government, was in the conception and commencement of the Cumberland road, which virtually reduces the Alleganies to a plain, and wends its way toward the Rocky mountains, connecting the East with the West, by a passage, on which the traveller rolls as smoothly as on the Macadamized street of a city, constituting a great social and political bond, as well as a channel of domestic commerce. Nor can the more recent invention of railroads supersede the importance and utility of this grand project. It is still forcing its way over mountains, valleys, and rivers, to the banks of the Mississippi, and will soon cross its channel for the mouth of the Columbia, where it may appear in some other form, but yet must appear. Thus will a continent have been traversed by this political ploughshare, first struck in the ground by the father of the American system, in the beginning of the nineteenth century, pointing to the waters of the Pacific. On the line of this work, near Wheeling, a monument was erected, surmounted by Genius and Liberty, inscribed to the statesman who sustained the enterprise. But the work itself is, and, as it progresses, will remain, its own best monument to the fame of its advocate. It is not the fault of Mr. Clay, that the system of internal improvement, conceived by him, and advocated with such persevering and indomitable constancy, against obstacles sufficient to dishearten any man, who has not faith in the future and in himself, has not already interlocked and bound together the states of the Union by indissoluble ties. The progress of events demonstrates, that this great conception must be executed, in one way or another, though tardy in its movement. The defect of duty in an unnatural parent.

will be supplied by the members of the family, and by the single efforts of individual enterprise.

In 1810, having been again returned to the senate of the United States, by the legislature of Kentucky, Mr. Clay delivered his first speech in Congress, on *domestic manufactures*. He had before zealously advocated this policy in the legislature of Kentucky, and moved a resolution there, that all the members of the body should clothe themselves, from head to foot, with the products of domestic manufacture, as an example for the people. It was this patriotic effort, which brought on the encounter, in 1808, between Mr. Clay and Humphrey Marshall, who were both members of the legislature—the latter being a virulent opponent, and having availed himself of this occasion, to apply to Mr. Clay degrading epithets, and to impute to him unworthy motives.

It should be observed, that Mr. Clay was but a young man, when he had pretty much matured his AMERICAN SYSTEM. It was a comprehensive, gigantic conception, opening a new era in the political history of the country, not less important to the nation as such, than was the establishment of American independence to the world, as the birth of a new race of freemen. It was, indeed, a plan for the consummation of American independence, in the practical application of its principles. Freedom in the first instance was nothing worth, it was but a mockery—without the real and substantial independence which this system of national policy contemplated.

The peculiar position of the United States in the family of nations, the peculiar interests of the American people, and the yet more peculiar frame of American political society, were all, in all their ramifications and relations, necessary to be considered, in devising a system of policy adapted to this new and wide field. It was a gigantic enterprise, an herculean labor. None but a master spirit, endowed with corresponding moral virtues, was equal to the task. A more comprehensive, and more responsible demand on intellectual powers, was perhaps never made. Genius alone, balanced by the ripest judgment, could evoke the materials of history, necessary for the composition of this work, and adjust their new relations and forms to all future exigencies of the American people. To originate, organize, and prepare it for use, so as to sustain the test of the severest and longest trial, was the achievement of no ordinary mind. Nor could the mind, that was capable of conceiving such a system, for such a new state of society, placed

in new circumstances, governed in a new way, and sustaining new and untried relations, fail to perceive, that such a policy must encounter new and formidable obstacles, and wait on years, perhaps ages, before it would be appreciated;—that his own gray hairs and wornout energies might descend into the grave, under the incipient labors of such an enterprise;—that those most benefited, might be ungrateful; and that posterity alone could be relied on, to render due honors to his genius and to his exertions. Faith, courage, invincible purpose, and undying love of country, were alone sufficient to begin, and never to flag, in such labors.

That this high praise, for this great work, is due to Henry Clay, it is supposed will not be denied. The AMERICAN SYSTEM, as devised by him, can not be improved. It is perfect, enduring as time, and will be honored by time. Its principles, parts, and structure, were the product of intellect; its advocacy, through a long succession of years, in adversity as well as in prosperity, without regard to self, against the fiercest, most overpowering opposition, is due to the heart. Numerous have been the occasions, as all know, when Mr. Clay might have taken the popular breeze, and been wafted to the highest pinnacle of ambition—when, too, as was thought and argued by his friends, he might have done it without reproach—when, indeed, it was urged upon him as a duty to his country, to his friends, to himself. But always judging for himself, as every man must do in all cases of casuistry, which can be settled only by the feelings of his own heart, his answer has uniformly been, when compelled by the decisions of conscience, to dissent from others, in such debate: "I had rather be right, than be president." His magnanimity, has, on more occasions than one, barred the door to his advancement. In the case of the notorious charge of "*bargain*," for the election of Mr. Adams, in 1825, it has, for nearly a quarter of a century, been in the power of Mr. Clay, at any moment, to prove by positive evidence, that the dishonorable proposals were made by those who brought the charge; but who, having been spurned, and anticipating an arraignment on the same count, were first in court, with a gross fabrication in their right hand. But magnanimity, and that to a political opponent, who was himself the agent in this transaction, has hitherto kept the key of the secret. In a future page of this work, it will be unlocked.

Not even an enemy will deny, that Mr. Clay has always advocated those measures of national policy, which he thought to be

right and best, at all hazards. Knowing this to be his character, his political opponents have been accustomed to take advantage of it, when it answered their purpose. It is known, that for a large portion of his public life, he has had to contend in the ranks of the opposition, himself the chief. It is not less known, that, in this position, he was always bold and fearless. At the head of his own system of public policy, he has ever stood, to put it forward when he could, to shield it when stormed by assailants, to rescue it when borne downward toward destruction, and to save and keep in operation such parts of it as he might, never for himself, but always for his country. Convinced alike of its beneficent tendencies, by the clearness of his conceptions, by the results of his observation, by the practical experiments that have been made of it, and by the disastrous operation of opposing measures, he has stood by it in all trials, under all discouragements, in all discomfitures, as a martyr stands for the truth at the stake, and dies for it. As well could Washington have been seduced to betray his country to foreign and hostile armies, as Henry Clay to surrender the interests of his country to foreign policy. Both, in their own convictions, fought for the same great end—one with the sword, the other in the public councils—one to acquire, the other to maintain, national independence. The delivering up of the revolutionary armies to British power, could not have been more disastrous to the country, in the opinion of Washington, than would be the surrender of the American system, in the opinion of Henry Clay. To do the last, as Mr. Clay thinks, would place the country just where the doing of the former would have done, *to wit*, in its ancient condition of colonial bondage. Mr. Clay, therefore, has on all occasions, in total disregard of consequences to himself, maintained and defended these measures, with a self-sacrificing determination—a determination to triumph or die with them.

The consequence of this persevering and disinterested course, has been, that Mr. Clay's policy has prevailed, while he has been made a victim to it. With a martyr spirit, he fought for the country, and has reaped a martyr's reward.

In the management of our foreign relations, as a member of Congress, in either branch, as secretary of state, and as commissioner at Ghent, while he never forgot what was just and liberal to other powers, his own country has ever had the preëminent place in his affections. All his aims as a public man—and he seems to have been born for his country—all his thoughts, all his sacrifices,

which have not been few or small—have been directed to the advancement, the growth, the greatness of the republic. While he has constantly sought to protect the industry and develop the resources of the country, he has zealously endeavored to cement the union by the opening of internal communications, and to improve harbors and rivers for the benefit of commerce. He who surmounts the Alleganies on the national road, as if no hills were there, should never forget to whom he is indebted for this luxury of travel.

The war of 1812 was a stern trial of the patriotism, institutions, and government of the country; and it need not be said, that the position occupied by Mr. Clay in the origination, conduct, and termination of that struggle, was one of great responsibility. No man called louder, or did more, or was more influential, in bringing it about—not indeed for the love of war—for Mr. Clay has ever been averse to it—but because of his sense of the wrongs and insults of a haughty and imperious rival, who, believing herself queen of the seas by her maritime force, seemed resolved to disregard the maritime rights of the United States. She had pursued her arrogance beyond endurance, harassed and destroyed American commerce for many years, by her violations of neutral rights, seized on American seamen by thousands, under the pretext of claiming her own, and forced them to fight her battles. The numerous and long-protracted outrages of this and other kinds, had made it a question of submission or defence—of abandoning or maintaining national sovereignty, on the part of the United States.

The speakership of the house of representatives, which was assigned to Mr. Clay during the war of 1812, was the most important post in the nation for such a time; and it is a remarkable fact, that, while it is generally regarded as depriving the incumbent of the privilege of participation in its debates, and usually does so in its practical operation, Mr. Clay was accustomed, during the many years that he was at the head of that body, to mingle in its deliberations, while in committee of the whole, and to perform the double duty of speaker and member. It was expected, required of him. No other man had so much to do with originating measures and sustaining them, while at the same time he presided over the body. But he was never more active, nor more influential in this field, than during the preparations and progress of the war

He was one of the chief counsellors of the president (Mr. Madison), inspired him with determination and boldness, and animated both the executive and legislative branches of the government with the spirit which actuated himself. The war to him was a time of intense anxiety and intense exertion, from the moment it was resolved on, till it was ended. Responsible, in a high degree, for its beginning and conduct, he was called to participate in the duty and responsibility of concluding the terms of peace, as arranged at Ghent. His patriotic exertions in this struggle justly secured for him the respect and gratitude of his countrymen, almost without distinction of party. A small faction only, that denounced the war to the last, refused to acknowledge their obligations to its prominent and most influential agents.

When the darkest clouds hung over the country, during the agitation of the Missouri question, and when they seemed about to burst in all their fury over the republic, the last hope of those pacifically disposed, who had tried in vain to still the tempest, turned to Mr. Clay, as he made his appearance at a late period of the session of 1820–'21, having been unavoidably detained. It is sufficient here to remark, for the object of the present notice, that to Mr. Clay, and to him alone, has ever been attributed, without a dissenting voice, the influence, almost superhuman, that quelled this storm. Such was the demand on his faculties of mind and body for this occasion, and such the responsibility of the position awarded to him by common consent, it has been said, and may be believed, that the month's agony and effort, by which his moral and physical powers were tasked, to settle this question, could not have been protracted many days longer, without proving fatal to himself. The whole country appreciated his signal services, and unanimously gave him the title of the GREAT PACIFICATOR.

Again, when in 1833, South Carolina nullification burst forth upon the Union, threatening its dissolution, and when General Jackson had proclaimed war on the recusants, Mr. Clay made peace, and carried the country safely through the trial, by means of the compromise act. "I rise, sir, on this occasion," said Mr. Clay, when he brought forward the bill, "actuated by no motives of a private nature, by no personal feelings, and for no personal objects; but exclusively in obedience to a sense of the duty which I owe to my country. . . I am anxious to find out some principle of mutual accommodation, to satisfy, as far as practicable, both parties. . . As I stand before my God, I declare, I have looked beyond those

considerations [party feelings and party causes], and regarded only the vast interests of this whole people. . . If I had thought of myself, I should never have brought it [the bill] forward. I know well the perils, to which I expose myself. . . I might have silently gazed on the raging storm, enjoyed its thunders, and left those who are charged with the vessel of state, to conduct it as they could... Pass this bill, tranquilize the country, restore confidence and affection in the Union, and I am willing to go home to Ashland, and renounce public service for ever. . . I have been accused of ambition. Yes, I have ambition; but it is the ambition of being the humble instrument in the hands of Providence to reconcile a divided people—once more to revive concord and harmony in a distracted land—the pleasing ambition of contemplating the glorious spectacle of a free, united, prosperous, and fraternal people. . . . I say, SAVE THE COUNTRY—SAVE THE UNION—SAVE THE AMERICAN SYSTEM."

In 1834–'5, the French government and nation had taken offence at General Jackson's annual message to Congress, which recommended reprisals on French commerce, on account of the neglect of the French government to pay an instalment, due by the treaty of July 4, 1831, as an indemnity for spoliations of American commerce, committed between 1800 and 1817. The president was in favor of decisive and energetic measures, whereat the French were greatly incensed. The lightest breath might have kindled war, and the smallest drop might quench the spark. It was a point of honor. The failure to pay resulted from a disagreement between the French ministry and the chamber of deputies, the latter not having made the appropriation requisite for the fulfilment of the treaty. The king and his ministers were willing, but the deputies were unwilling. Both, however, were offended at the tone of General Jackson's message. The senate of the United States held in their hand the balances. Whereupon the GREAT PACIFICATOR (Henry Clay) was made chairman of a committee to report on this critical affair, which was made and read by him on the 6th of January, 1835. His report showed to the satisfaction of the senate, that by a little forbearance, in deference to the peculiar position of the executive department of the French government toward the legislative branch, peace could probably be preserved, with honor to both parties.

Mr. Clay, on this occasion, reported, in behalf of the committee, the following resolution:—

"*Resolved*, That it is inexpedient, at this time, to pass any law vesting in the president authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States the indemnity stipulated by the treaty of 1831, during the present session of the French chambers."

In Mr. Clay's speech on the report before the senate, he said:—

"In speculating upon the probabilities in regard to the course of the French government, in reference to the treaty, four contingencies might be supposed to arise—first, that the French chambers may have made the appropriation to carry the treaty into effect *before* the reception of the president's message; second, the chambers may make the appropriation *after* the reception of the president's message, and notwithstanding the recommendation on this subject contained in it; third, the chambers may, in consequence of that recommendation, hearing of it before they shall have acted finally on the subject, refuse to make any appropriation, until what they may consider a menace, shall have been explained or withdrawn; or, fourth, they may, either on that ground, or on the ground of dissatisfaction with the provisions of the treaty, refuse to pass the bill of appropriation. Now, in any of these contingencies, after what has passed, an expression of the sense of Congress on the subject appears to be indispensable, either to the passage of the bill, or to the subsequent payment of the money."

The resolution reported by Mr. Clay was unanimously adopted by the senate, and the indemnity was paid, not, however, till—to save the feelings of the French, who were a good deal excited by President Jackson's course—the controversy was settled through the intervention of William IV., king of England. The country, on this occasion, was saved from war by the prudent counsels of Mr. Clay.

None will deny, that Mr. Clay was the choice of the whig party for the presidential campaign of 1840, or that his public services had fairly entitled him to the nomination. But foreseeing that the Harrisburg convention might be embarrassed in the selection of the candidate for reasons which it is unnecessary here to notice, Mr. Clay had written to the Kentucky delegates, in terms to discharge his friends from any such adherence to him as might tend to disturb the harmony of that body, or mar general unanimity in supporting its decision. When that decision was finally announced, the reading of this letter, the existence of which was known to a few, was called for. The following is an extract:—

"With a just and proper sense of the high honor of being voluntarily called to the office of president of the United States,

by a great, free, and enlightened people, and profoundly grateful to those of my fellow-citizens who are desirous to see me placed in that exalted and responsible station, I must nevertheless say, in entire truth and sincerity, that, if the deliberations of the convention shall lead them to the choice of another as the candidate of the opposition, *far from feeling any discontent, the nomination shall have my best wishes*, AND RECEIVE MY CORDIAL SUPPORT."

Considering the just claims of Mr. Clay, as universally acknowledged—but which he would be the last to put forward—and what must necessarily have been his motive in his letter, none can fail to be deeply impressed with a sense of his magnanimity and patriotism. Such was the preponderance and force of the popular desire for the nomination of Mr. Clay, there is every reason to believe, that the summons to the onset of 1840 would have failed, if Mr. Clay had not so magnanimously stepped forward, at the head of his own legions, to fight the great battle in favor of the nominee who had been selected.

On another occasion Mr. Clay said :—

"If my name creates any obstacle to cordial union and harmony, away with it, and concentrate upon some individual more acceptable to all branches of the opposition. What is a public man worth who is not ready to sacrifice himself for the good of his country? I have unaffectedly desired retirement; I yet desire it, when, consistently with the duties and obligations which I owe, I can honorably retire. No veteran soldier, covered with scars and wounds, inflicted in many severe battles and hard campaigns, ever received his discharge with more pleasure, than I should mine. But I think that like him, without presumption, I am entitled to an honorable discharge."

Mr. Clay opened his great speech on the subtreasury scheme, in 1838, as follows:—

"If you knew, sir, what sleepless hours reflection upon it has cost me; if you knew with what fervor and sincerity I have implored Divine assistance to strengthen and sustain me in my opposition to it, I should have credit with you, at least for the sincerity of my convictions, if I shall be so unfortunate as not to have your concurrence as to the dangerous character of the measure. And I have thanked my God, that he has prolonged my life until the present time, to enable me to exert myself in the service of my country, against a project far transcending in pernicious tendency any that I have ever had occasion to consider. I thank him for the health I am permitted to enjoy; I thank him for the soft and sweet repose which I experienced last night; I thank him for the bright and glorious sun which shines upon us this day."

In his speech on Mr. Calhoun's land bill, 1840, he said:—

"Sir, I am not one of those who are looking out for what may ensue to themselves. My course is nearly run; it is so by nature, and so in the progress of political events. I have nothing to ask of the senator of the south, nor of South Carolina, nor yet of the country at large. But I will go, when I do go, or when I choose to go, into retirement, with the undying conviction that, for a quarter of a century, I have endeavored to serve and to save the country, faithfully and honorably, without a view to my own interest, or my own aggrandizement; and of that delightful conviction and consciousness, no human being, nor all mankind, can ever deprive me."

In his valedictory to the senate, 1842, he said:—

"Of the nature or the value of the services rendered during the long and arduous period of my public life, it does not become me to speak; but, whatever errors—and doubtless there have been many—may be discovered in a review of them, I can, with unshaken confidence, appeal to the Searcher of hearts for the truth of the declaration, that I have been influenced by no impure purpose, no personal motive; have sought no personal aggrandizement; but that, in all my public acts, I have had a sole and single eye, and a warm and devoted heart, directed and dedicated to what, in my best judgment, I believed to be the true interests of my country."

It is impossible but that history should institute a comparison between Washington and Clay, as American patriots. It has already been done. The former has found his niche in the temple of fame, as "first in war, first in peace, and first in the hearts of his countrymen," and he can not be dislodged, nor have a rival. The whole world have pronounced on the character of Washington as one of the best and greatest men that have ever lived, and that decision will neither be revoked, nor modified. Henry Clay awaits his place in the opinion and regard of his countrymen, and of mankind. That he will not be less respected, or his character less esteemed, by posterity than by contemporaries, is morally certain, in consideration of the chastening influence of time, in the abatement of enmities, and of the proneness of men to do justice to the virtues of distinguished individuals of the race, who have passed through trials and been abused, and who are no longer in a field of competition. It has been said, that, while men live, their faults are written in brass, and their virtues in sand. But time throws faults out of sight, and emblazons virtue. There were many that tried to find fault with Washington. He was even defamed in his lifetime, and it has been said, if he had lived a little longer, he would have gone down to his grave broken-hearted—if so great a heart

could be broken—for the ingratitude of his countrymen. History shows, that a storm was gathering over his head, and his correspondence evinces, that he was himself advised of the fact. But he now rests in peace, and will have no more defamers.

The difference in character between the public exigencies of the times of Washington, and of the times of Henry Clay, and between the characters of the two men, is so marked, that a rival ship in fame between them, is hardly possible. Justice to each, will detract from neither, as the spheres of the two did not even border on each other. It has been regretted by some, that Mr. Madison's proposal to put Mr. Clay at the head of the American army, in the war of 1812, was not carried into effect, as it is believed, that Mr. Clay would have distinguished himself as much in the field, as he has done in the senate, and that his prolific genius, combined with his personal valor, energy, and command over men, would have compelled the foe to terms of peace at an earlier period, with less expense and greater honor to the country. It has also been suggested, that an epaulet would have carried him into the presidency by acclamation, whenever put forward, and thus have saved the country from long misrule.

Speculations of this sort, however, aside, it will probably be agreed, that, as in the EIGHTEENTH CENTURY Washington, by his sword gave freedom to America, so in the NINETEENTH CENTURY, Henry Clay was summoned to fight anew the battles of freedom, and to illustrate its practical operation in another, loftier, and more comprehensive sphere of influence, without derogation from the merits of "the father of his country." While the SWORD, not less famed in civil, than in military command, associated with a peerless sagacity, with consummate prudence, and with dauntless valor, in war and in peace, is girt to the side of the one, to denote his functions; a STATESMAN'S laurels, won in long and high debate, for the weal of his country and of mankind, and not less deserved for unrivalled tact in the management of men, crown the head of the other. One cleared the field of tyrants, and aided in erecting the temple of freedom; the other furnished it, and filled its storehouses with wealth. It may be allowed, that both were actuated by "that patriotism, which, catching its inspirations from the immortal God, and leaving at an immeasurable distance below, all lesser, grovelling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion, AND OF DEATH ITSELF."

CHAPTER IX.

MR. CLAY AND THE WAR OF 1812.

It is remarkable, that the two great nations of western Europe, Great Britain and France, while at war with each other, should have presumed, that they could do any amount of injury to the rights and commercial interests of the United States with impunity. The British blockade of 1806 was followed by the Berlin edicts, and the British orders in council by the edicts of Milan, and these belligerent powers made war on the commerce of a friend, the better to carry on war between themselves. The United States were made the victim of their rapacity. From February 28 to May 20, 1811, less than three months, *twenty-seven* American merchant-vessels were sent into British ports, prizes to British cruisers, for violation of the orders in council, and the British admiralty courts were constantly occupied in adjudicating on American property thus brought under their jurisdiction, little of which escaped forfeiture for the crime of a neutral commerce, and for attempting to enter ports which had no other blockade than parchment orders. At the same time that these outrages were committed on American commerce, swelling up to millions annually, British manufactures were allowed and encouraged to enter, in neutral bottoms, the very ports from which American vessels, laden with American produce, were excluded, and for having papers of that destination, were captured!

But Great Britain, having command of the seas, asserted another offensive power, in relation to the United States, to maintain her maritime ascendency, by seizing American seamen, on board American merchantmen, and forcing them into the British navy, under the pretence of searching for British subjects, and claiming their services, while all parties knew the wrong that was done. The seizure of the property of a neutral power as a belligerent right, and claiming it as forfeited, though sufficiently atrocious, was a much less exasperating offence, than that of forcing neutrals to fight the battles of a belligerent. France was wrong; Great Britain was more so. The

former had some magnanimity, when it was convenient to exercise it; while the latter seemed bent on wrong for the love of it. It is true, that Great Britain pretended to be fighting for existence, and her own vindicators asserted the law of necessity; but that was neither consolation, nor relief, to those whose rights she violated.

The truth undoubtedly was, that the United States had fallen into contempt, and the time had arrived when it was necessary to vindicate their rights. The mission of John Henry into New England, in 1809, acting under the instructions of Sir James Craig, governor of Canada, with designs against the Union, as proved by Mr. Madison's communications to Congress, March 9, 1812, is sufficient evidence, that something more than contempt actuated the British government in the repeated and aggravated insults and injuries done to the government and people of the United States for a series of years, naught abated by time and remonstrance, but ever on the increase. The conclusion seemed to have been adopted in Europe, that, though the United States had fought once, and gained their independence, there was no great danger of their fighting again, though insulted and wronged; that they might be injured to any extent with impunity. What else could account for the treatment received from France and Great Britain, especially the latter? Such was the state of things which led to the war of 1812.

Congress was convoked a month before the regular time in the fall of 1811, and the message of President Madison was decidedly in the war tone. The winter was spent in notes of preparation, and by the 20th of March, Congress had passed, and the president approved, bills of the following titles: To fill up the ranks and prolong the enlistment of the army; to raise an additional regular force of 25,000 men; to raise six companies of mounted rangers for the defence of the western frontier; to arm the militia; to authorize detachments of militia; to fortify the maritime frontier; to repair and fit the entire naval force; to procure camp-equipage, baggage-wagons, &c.; to purchase ordnance and military stores; to obtain supplies of sulphur and saltpetre; to make further provisions for the corps of engineers; to establish a quartermaster's department, and create commissary-generals; to provide for the support of the army and navy; and to authorize a loan of eleven millions.

In the meantime, there had been a vigorous opposition to these measures; but when, on the 1st of April, Mr. Madison sent in his special message, with the documents respecting Henry's mission.

there was a burst of indignant feeling from Congress, and from the whole nation, well calculated to unite the country in hostile measures. From this time till the declaration of war, on the 19th of June, the utmost spirit of preparation was manifested in the legislative and executive branches of the government, to begin the contest.

The well-known moderation of President Madison's character demanded powerful influences, to bring him up to the required temper for the responsibilities of this new position as the head of the government; and there was probably but one man who was capable, by his extraordinary power over others, of imparting to him the spirit that was needed for the time. It hardly need be said, that HE was the speaker of the house of representatives—Mr. Clay. By the same cause, Congress was ready for the war before the president was. He was still laboring in vain at the oar of negotiation with Mr. Foster, the British minister, when an informal deputation from the other branch of the government waited upon him, with Mr. Clay at their head, and before they retired, the die was cast. Nothing remained but the formal act of declaration.

It may be remarked, that Mr. Clay's feelings in relation to the insults and wrongs suffered by the country from Great Britain, had been for several years maturing for that course of action which he pursued after the struggle commenced, and were on various occasions, and in sundry forms, publicly expressed—often incidentally. In a speech in the senate, December 25, 1810, in vindication of President Madison's occupation of the territory in dispute between the United States and Spain, eastward from the Mississippi to the line of the Perdido, he said:—

"The gentleman [Mr. Horsey, of Delaware] reminds us, that Great Britain, the ally of Spain, may be obliged, by her connexion with that country, to take part with her against us, and to consider this measure of the president as justifying an appeal to arms. Sir, is the time never to arrive, when we may manage our own affairs, without the fear of insulting his Britannic majesty? Is the rod of British power to be for ever suspended over our heads? Does Congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean? We are immediately warned of the indignation of offended England. Is a law of non-intercourse proposed? The whole navy of the haughty mistress of the seas is made to thunder in our ears. Does the president refuse to continue a correspondence with a minister, who violates the decorum belonging to his diplomatic

character, by giving and deliberately repeating an affront to the whole nation? We are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea, or attempt their maintenance by land—whithersoever we turn ourselves, this phantom incessantly pursues us. Already has it had too much influence on the councils of the nation. It contributed to the repeal of the embargo—that dishonorable repeal, which has so much tarnished the character of our government. Mr. President, I have before said on this floor, and now take occasion to remark, that I most sincerely desire peace and amity with England; that I even prefer an adjustment of all differences with her, before one with any other nation. But if she persists in a denial of justice to us, or if she avails herself of the occupation of West Florida, to commence war upon us, I trust and hope that all hearts will unite, in a bold and vigorous vindication of our rights."

Mr. Clay, foreseeing that war with Great Britain was inevitable, had declined going into the senate again, and in 1811 was elected to the house of representatives, as the more important branch of the public service for the occasion. Having made up his mind, that war was the only course to vindicate the national honor and rights, all his efforts were directed to bring about the final measure, from which there could be no retreat, till those rights should be acknowledged and respected. Though speaker of the house, opportunities were afforded him, in committee of the whole on the state of the Union, to express his sentiments; and it was in this field that he wielded a paramount influence. His addresses in the secret sessions, while the question of war was pending, which, as represented, were most animating and stirring, are of course lost; and but a few of those delivered in public debate, are extant. While the bill to raise an additional regular force of 25,000 men, was pending, Mr. Clay addressed the house in committee, on the 31st of December, 1811. The following are extracts from this speech:—

"Mr. Clay [the speaker] said, that when the subject of this bill was before the house in the abstract form of a resolution, proposed by the committee of foreign relations, it was the pleasure of the house to discuss it while he was in the chair. He did not complain of this course of proceeding; for he did not at any time wish the house, from considerations personal to him, to depart from that mode of transacting the public business which they thought best. He merely adverted to the circumstance, as an apology for the trouble he was about to give the committee. He was at all times disposed to take his share of responsibility, and under this impres-

sion, he felt that he owed it to his constituents and to himself, before the committee rose, to submit to their attention a few observations.

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"The difference between those who were for fifteen thousand, and those who were for twenty-five thousand men, appeared to him to resolve itself into the question, merely, of a short or protracted war; a war of vigor, or a war of languor and imbecility. If a competent force be raised in the first instance, the war on the continent will be speedily terminated. He was aware that it might still rage on the ocean. But where the nation could act with unquestionable success, he was in favor of the display of an energy correspondent to the feelings and spirit of the country. Suppose one third of the force he had mentioned (twenty-five thousand men) could reduce the country, say in three years, and that the whole could accomplish the same object in one year; taking into view the greater hazard of the repulsion and defeat of the small force, and every other consideration, do not wisdom and true economy equally decide in favor of the larger force, and thus prevent failure in consequence of inadequate means? He begged gentlemen to recollect the immense extent of the United States: our vast maritime frontier, vulnerable in almost all its parts to predatory incursions, and he was persuaded, they would see that a regular force, of twenty-five thousand men, was not much too great during a period of war, if all designs of invading the provinces of the enemy were abandoned.

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"The object of the force, he understood distinctly to be war, and war with Great Britain. It had been supposed, by some gentlemen, improper to discuss publicly so delicate a question. He did not feel the impropriety. It was a subject in its nature incapable of concealment. Even in countries where the powers of government were conducted by a single ruler, it was almost impossible for that ruler to conceal his intentions when he meditates war. The assembling of armies, the strengthening of posts—all the movements preparatory to war, and which it is impossible to disguise, unfolded the intentions of the sovereign. Does Russia or France intend war, the intention is almost invariably known before the war is commenced. If Congress were to pass a law, with closed doors, for raising an army for the purpose of war, its enlistment and organization, which could not be done in secret, would indicate the use to which it was to be applied; and we can not suppose England would be so blind, as not to see that she was aimed at. Nor could she, did she apprehend, injure us more by thus knowing our purposes, than if she were kept in ignorance of them. She may, indeed, anticipate us, and commence the war. But that is what she is in fact doing, and she can add but little to

the injury which she is inflicting. If she choose to declare war in form, let her do so, the responsibility will be with her."

The purpose of this measure having been avowed, all the questions of expediency in the nation's taking so momentous a step, of course came up for consideration, and were required to be solved, of which that of the public finances was not among the least. Was the nation prepared for the cost? As a matter of fact, the foreign commerce of the country, and as a consequence the public revenue, were almost entirely ruined by the belligerents. The revenue had fallen from sixteen millions to six, and it was scarcely possible to be worse. The wrongs inflicted on the country by the operation of the British orders in council and the French decrees, were not only disastrous to the public revenue, but equally so to the interests of private individuals, by the seizure, adjudication, and forfeiture of their property afloat on the high seas, under plea of a violation of those orders and decrees. The business of the country, and the wheels of the government, were both in a fair way of being stopped. Things, indeed, had come to such a pass, by the operation of these causes, that, apart from peril of life and injury to public morals, and as a simple question of finance, it was scarcely possible that war should not make business, and pay for itself, so far as it respected the nation at large, though it should run the government in debt. In such a state of things, it could not be worse.

There was national character, too, honor, a nation's best treasure, trampled under foot, and kicked about Europe, as a despicable thing. There were thousands of American sailors, forced into the British navy, and compelled to fight the battles of the British sovereign, without remedy, without hope. To the ruin of American commerce, were added indignity to the nation by disregarding its remonstrances, and the violation of the personal rights of American citizens by depriving them of freedom, and forcing them into a service where they owed no allegiance, to the peril of their lives, and the destruction of their fortunes—holding them in captivity from country, home, and friends. And when the French decrees were revoked, as respected American commerce, the British government held the American government responsible for their revocation as respected all other nations, before they would repeal the orders in council! In view of this state of things, Mr. Clay said:—

"England is said to be fighting for the world, and shall we, it is asked, attempt to weaken her exertions? If, indeed, the aim of the French emperor be universal dominion (and he was willing

to allow it to the argument), how much nobler a cause is presented to British valor! But how is her philanthropic purpose to be achieved? By a scrupulous observance of the rights of others, by respecting that code of public law which she professes to vindicate, and by abstaining from self-aggrandizement. Then would she command the sympathies of the world. What are we required to do by those who would engage our feelings and wishes in her behalf? To bear the actual cuffs of her arrogance, that we may escape a chimerical French subjugation! We are invited, conjured, to drink the potion of British poison, actually presented to our lips, that we may avoid the imperial dose prepared by perturbed imaginations. We are called upon to submit to debasement, dishonor, and disgrace; to bow the neck to royal insolence, as a course of preparation for manly resistance to gallic invasion! What nation, what individual, was ever taught, in the schools of ignominious submission, these patriotic lessons of freedom and independence? Let those who contend for this humiliating doctrine, read its refutation in the history of the very man against whose insatiable thirst of dominion we are warned. The experience of desolated Spain, for the last fifteen years, is worth volumes. Did she find her repose and safety in subserviency to the will of that man? Had she boldly stood forth and repelled the first attempt to dictate to her councils, her monarch would not be now a miserable captive in Marseilles. Let us come home to our own history: it was not by submission that our fathers achieved our independence. The patriotic wisdom that placed you, Mr. Chairman, under that canopy, penetrated the designs of a corrupt ministry, and nobly fronted encroachment on its first appearance. It saw, beyond the petty taxes with which it commenced, a long train of oppressive measures, terminating in the total annihilation of liberty, and, contemptible as they were, it did not hesitate to resist them. Take the experience of the last four or five years, which he was sorry to say exhibited, in appearance, at least, a different kind of spirit. He did not wish to view the past, further than to guide us for the future. We were but yesterday contending for the indirect trade—the right to export to Europe the coffee and sugar of the West Indies. To-day we are asserting our claim to the direct trade—the right to export our cotton, tobacco, and other domestic produce, to market. Yield this point, and to-morrow intercourse between New York and New Orleans, between the planters on James river and Richmond, will be interdicted. For, sir, the career of encroachment is never arrested by submission. It will advance while there remains a single privilege on which it can operate. Gentlemen say, that this government is unfit for any war, but a war of invasion. What, is it not equivalent to invasion, if the mouths of our harbors and outlets are blocked up, and we are denied egress from our own waters? Or,

when the burglar is at our door, shall we bravely sally forth and repel his felonious entrance, or meanly skulk within the cells of the castle?

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"He [Mr. Clay] was one, who was prepared (and he would not believe that he was more so than any other member of the committee) to march on in the road of his duty, at all hazards What! shall it be said, that our *amor patriæ* is located at these desks; that we pusillanimously cling to our seats here, rather than boldly vindicate the most inestimable rights of the country? While the heroic Daviess, and his gallant associates, exposed to all the dangers of treacherous savage warfare, are sacrificing themselves for the good of their country, shall we shrink from our duty?"

When the army-bill was disposed of, a navy-bill came up, which, among other objects, proposed to build a *blank* number of frigates. The most important question was the filling up of this blank. Mr. Cheves, of South Carolina, moved for the number of TEN. Mr. Rhea, of Tennessee, moved to strike out this section, which was negatived by a vote of 52 to 47—a test vote. It was during the pendency of Mr. Rhea's motion, that Mr. Clay addressed the committee against it, and in favor of the proposal of Mr. Cheves. After a brief introduction, Mr. Clay said:—

"The attention of Congress has been invited to this subject by the president, in his message, delivered at the opening of the session. Indeed, had it been wholly neglected by the chief magistrate, from the critical situation of the country, and the nature of the rights proposed to be vindicated, it must have pressed itself upon our attention. But, said Mr. Clay, the president, in his message, observes: 'Your attention will, of course, be drawn to such provisions on the subject of our naval force, as may be required for the service to which it is best adapted. I submit to Congress the reasonableness, also, of an authority to augment the stock of such materials as are imperishable in their nature, or may not, at once, be attainable?' The president, by this recommendation, clearly intimates an opinion, that the naval force of this country is capable of producing effect; and the propriety of laying up imperishable materials, was no doubt suggested for the purpose of making additions to the navy, as convenience and exigences might direct.

"It appeared to Mr. Clay a little extraordinary, that so much, as it seemed to him, unreasonable jealousy, should exist against the naval establishment. If, said he, we look back to the period of the formation of the constitution, it will be found that no such

jealousy was then excited. In placing the physical force of the nation at the disposal of Congress, the convention manifested much greater apprehension of abuse in the power given to raise armies, than in that to provide a navy. In reference to the navy, Congress is put under no restrictions; but with respect to the army, that description of force which has been so often employed to subvert the liberties of mankind, they are subjected to limitations designed to prevent the abuse of this dangerous power. But it was not his intention to detain the committee, by a discussion on the comparative utility and safety of these two kinds of force. He would, however, be indulged in saying, that he thought gentlemen had wholly failed in maintaining the position they had assumed, that the fall of maritime powers was attributable to their navies. They have told you, indeed, that Carthage, Genoa, Venice, and other nations, had navies, and, notwithstanding, were finally destroyed. But have they shown, by a train of argument, that their overthrow was, in any degree, attributable to their maritime greatness? Have they attempted, even, to show that there exists in the nature of this power a necessary tendency to destroy the nation using it? Assertion is substituted for argument; inferences not authorized by historical facts are arbitrarily drawn; things wholly unconnected with each other are associated together; a very logical mode of reasoning, it must be admitted! In the same way he could demonstrate how idle and absurd our attachments are to freedom itself. He might say, for example, that Greece and Rome had forms of free government, and that they no longer exist; and, deducing their fall from their devotion to liberty, the conclusion, in favor of despotism, would very satisfactorily follow! He demanded what there is in the nature and construction of maritime power, to excite the fears that have been indulged? Do gentlemen really apprehend, that a body of seamen will abandon their proper element, and, placing themselves under an aspiring chief, will erect a throne to his ambition? Will they deign to listen to the voice of history, and learn how chimerical are their apprehensions?

"But the source of alarm is in ourselves. Gentlemen fear, that if we provide a marine, it will produce collisions with foreign nations, plunge us into war, and ultimately overturn the constitution of the country. Sir, if you wish to avoid foreign collision, you had better abandon the ocean; surrender all your commerce give up all your prosperity. It is the thing protected, not the instrument of protection, that involves you in war. Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the counsels of that statesman be deemed wise, who would recommend that the nation should be unarmed; that the art of war, the martial spirit, and martial exercises, should be prohibited; who should declare, in the language

of Othello, that the nation must bid farewell to the neighing steed, and the shrill trump, the spirit-stirring drum, the ear-piercing fife, and all the pride, pomp, and circumstance of glorious war; and that the great body of the people should be taught, that national happiness was to be found in perpetual peace alone? No, sir. And yet, every argument in favor of a power of protection on land, applies, in some degree, to a power of protection on the sea. Undoubtedly a commerce void of naval protection is more exposed to rapacity than a guarded commerce; and if we wish to invite the continuance of the old, or the enactment of new edicts, let us refrain from all exertion upon that element where we must operate, and where, in the end, they must be resisted."

It can not but be seen, that this debate is greatly instructive, not alone as it shows the position occupied by Mr. Clay, but as it discloses the position of the country, at the time, the views of public policy entertained by existing parties, the untried condition and ability of the naval force, the want of faith in that arm of the public service, and the difficulties which were to be encountered in raising it from infancy to manhood, and sending it out boldly to assert the rights and exemplify the valor of the nation on the deep.

It is clear enough, that Mr. Clay, though speaker of the house of representatives, and sufficiently tasked in that capacity, was also a leader in debates, and leader of the party disposed to stir up the nation to a trial of strength with at least one of the great transatlantic belligerents, both of which had done such wrongs, and offered such insults, to the people and government of the United States. The house was accustomed to go into committee—thus relieving Mr. Clay from the duties of speaker—for the purpose of giving him opportunities to express his views on any pending measures, and of availing itself of the benefit of his counsels, and of his stirring eloquence. Fresh from the bosom of the patriotic and gallant people of the west, himself not behind in these lofty sentiments, animated by the ardor and nerved with the vigor of a young statesman, endowed with such faculties of persuasion as few men ever possessed, sensitive, not less to public than to private honor, thoroughly informed in the foreign relations of the government and the capabilities of the United States, Mr. Clay viewed with mortification the position of the country, and looked with scorn and indignation at the wrongs and insults of Great Britain and France which had placed it there. Unused to arms since the national independence was acquired, and that great battle having been fought for freedom—for the "lives, fortunes, and sacred honor"

of the people—it was a great problem what might be the result of a conflict waged on such grounds as were at this time presented, and a great responsibility in pushing the nation into it. But the alternatives were only two: commercial ruin and national debasement on the one hand, or bearding the British lion in his den on the other. A young nation born into existence by agony from which there was no escape, was now to measure weapons with the oldest and most powerful empire on earth in defence of its honor. The responsibility of a leader in such an enterprise was great.

Having just come out of the debate on a measure for raising a suitable land force, about which all reasonings could be based on some tangible probabilities, the navy was a subject which could not but be regarded with extreme concern, in a war with "the mistress of the seas." And yet it was a subject that must be approached, in a preparation for such a war; and it presented a question that must be disposed of. Should the sea be abandoned to the foe, and its road to national wealth and greatness be surrendered to the sole travel of an arrogant highwayman? Or should a young nation, reduced by a visionary policy to gunboat tactics and garrison defences, like a chicken on a dunghill defying the hawk that is sailing downward on his prey, go out in such a field against such odds? It is no wonder that discouragement, and a feeling like dismay, should have pervaded so many minds at the prospect. To begin to build a navy, at the moment of going into war with the greatest maritime power in the world, was indeed a bold proposal —apparently bordering on presumption. But it was a necessity, before the face of which patriotism could not flee—a doom which national gallantry was forced to encounter.

Mr. Clay, after answering all objections, which seemed to vanish as he touched them, suggested three hypothetical descriptions of naval force for the exigency: One large enough to cope with any antagonist, in any sea. That, manifestly, was impracticable. Another, consisting of a number of ships, of proper classes, and well appointed, sufficient to meet, in the American seas, any force that could be spared from the British service at that time, with the engagements which Great Britain then had on hand—it being supposed, that so distant a service as British ships hovering over the American coast, would require three to one of a home squadron, as not more than one third of the former could be kept constantly on the station. This, too, was impracticable.

A third description of force, therefore, was the only one, which

seemed to be within the power of the nation, at that time, to provide, to wit, one adequate to afford some protection to the coasting trade, defend the harbors and seaports, and occasionally venture out to chastise the insolence of any single British ship that might show itself. "If," said Mr. Clay, "we are not able to meet the wolves of the forest, shall we put up with the barking impudence of every petty cur that trips across our path? Because we can not guard against every possible danger, shall we provide against none? I hope not. I had hardly expected, that that instructing, but humiliating lesson was so soon to be forgotten, which was taught us in the murder of Pearce, the attack on the Chesapeake, and the insult offered in the very harbor of Charleston, which the brave old fellow who commanded the fort in vain endeavored to chastise. It is a rule with me, when acting in a public or private character, to attempt nothing more than what there is a prospect of accomplishing. I am, therefore, not in favor of entering into any mad projects on this subject, but for deliberately and resolutely pursuing what I believe to be within the power of government."

The following remarks of Mr. Clay on the importance of foreign commerce to the people and government of the country, and on the intimate connexion between a commercial and military marine, are not more forcibly stated than true :—

"He considered the prosperity of foreign commerce indissolubly allied to marine power. Neglect to provide the one, and you must abandon the other. Suppose the expected war with England is commenced, you enter and subjugate Canada, and she still refuses to do you justice; what other possible mode will remain to operate on the enemy, but upon that element where alone you can then come in contact with him? And if you do not prepare to protect there your own commerce, and to assail his, will he not sweep from the ocean every vessel bearing your flag, and destroy even the coasting trade? But, from the arguments of gentlemen, it would seem to be questioned, if foreign commerce is worth the kind of protection insisted upon. What is this foreign commerce, that has suddenly become so inconsiderable? It has, with very trifling aid from other sources, defrayed the expenses of government, ever since the adoption of the present constitution; maintained an expensive and successful war with the Indians; a war with the Barbary powers; a quasi war with France; sustained the charges of suppressing two insurrections, and extinguishing upward of forty-six millions of the public debt. In revenue, it has, since the year 1789, yielded one hundred and ninety-one millions

of dollars. During the first four years after the commencement of the present government, the revenue averaged only about two millions annually; during a subsequent period, of four years, it rose to an average of fifteen millions, annually, or became equivalent to a capital of two hundred and fifty millions of dollars, at an interest of six per centum per annum. And if our commerce be reëstablished, it will, in the course of time, net a sum for which we are scarcely furnished with figures, in arithmetic. Taking the average of the last nine years (comprehending, of course, the season of the embargo), our exports average upward of thirty-seven millions of dollars, which is equivalent to a capital of more than six hundred millions of dollars, at six per centum interest; all of which must be lost in the event of a destruction of foreign commerce. In the abandonment of that commerce, is also involved the sacrifice of our brave tars, who have engaged in the pursuit, from which they derive subsistence and support, under the confidence that government would afford them that just protection which is due to all. They will be driven into foreign employment, for it is vain to expect that they will renounce their habits of life.

"The spirit of commercial enterprise, so strongly depicted by the gentleman from New York [Mr. Mitchell], is diffused throughout the country. It is a passion as unconquerable as any with which nature has endowed us. You may attempt, indeed, to regulate, but you can not destroy it. It exhibits itself as well on the waters of the western country, as on the waters and shores of the Atlantic. Mr. Clay had heard of a vessel, built at Pittsburg, having crossed the Atlantic and entered a European port (he believed that of Leghorn). The master of the vessel laid his papers before the proper customhouse officer, which, of course, stated the place of her departure. The officer boldly denied the existence of any such American port as Pittsburg, and threatened a seizure of the vessel, as being furnished with forged papers. The affrighted master procured a map of the United States, and pointing out the gulf of Mexico, took the officer to the mouth of the Mississippi, traced the course of the Mississippi more than a thousand miles, to the mouth of the Ohio, and conducting him still a thousand miles higher, to the junction of the Allegany and Monongahela—'There,' he exclaimed, 'stands Pittsburg, the port from which I sailed!'"

The efforts of Mr. Clay in Congress, and in all his private relations, during this season of preparation for war, were unremitting, desiring to go into it with unanimity and vigor, that it might end with honor and the achievement of the objects of the conflict.

When war was declared, the manifest importance of having at the head of the army a man of talents, decision, energy, and weigh.

of character, notwithstanding Mr. Clay had been trained exclusively in the civil service, suggested to the mind of President Madison, that he was THE MAN, and he had made up his mind to send in his name to the senate for the office of major-general. Mr. Gallatin—though he and Mr. Clay have never been on the best terms—is understood to have said, that he knew of no man so prompt and fruitful in expedients for an exigency, as Mr. Clay—a qualification, of all others, most important for a military captain. This is the universal opinion of his character, and it has been sufficiently proved. Mr. Madison, doubtless, had made this discovery, and it is an interesting subject of hypothetical review, what would probably have been the result, if Mr. Clay had been put in this important and responsible position. None who know the man can doubt, that the utmost activity and energy would have been displayed in the military operations of the country, and that the war might have been brought to a close in half the time and at half the expense. What other consequences might have followed in Mr. Clay's civil history, after having worn an epaulet and sword, with credit to himself and benefit to his country, is matter of innocent conjecture. Mr. Madison, however, was dissuaded from his purpose, on the ground, that Mr. Clay's services were indispensable in the national councils. The president tendered to him the mission to Russia, for important public purposes, after the war, and afterward one of the executive departments, both of which were declined—doubtless for the reasons which had induced him to decline the more elevated and dignified position of a senator, for the more useful one of a commoner. Mr. Monroe afterward offered Mr. Clay a secretaryship at home, and a *carte blanche* of all the foreign missions; but he preferred the house of representatives.

It is well known, that the first year of the war was not very creditable to the American arms, and that it was disheartening to the spirit of the country. The opposition in Congress heaped upon the administration *reproachful* censure for having engaged in the war, which roused Mr. Clay, not only to its vindication, but to some vehement expressions of patriotic indignation. In January, 1813, a bill was before Congress, to increase the army by twenty additional regiments. On the 8th of this month, in committee of the whole, Mr. Clay noticed these attacks on the government, and replied to some invectives on the merits of the war.

In recording the services of a statesman, in peace or war, he is

to be represented in the field which he occupies, or in which he enacts his part. The roar of artillery and the clash of steel are not in the senate of a nation; but there are battles even there. The statesman who sways the councils of his country, by his wisdom and eloquence, occupies a position more lofty and more commanding, than any other public agent. Armies are raised and moved, and fleets scour the seas, for pacific functions, or in search of the foe, under his orders. He is forced to look on all at home, and all abroad—to secure, protect, and vindicate domestic interests and rights, against foreign policies and foreign aggressions. His tent is the canopy of heaven, and his field the world. He fights in war, and fights in peace. There is no repose for him who guards with vigilance and fidelity the public weal.

The position which Mr. Clay occupied in the war of 1812, was eminent. That he had been eminently influential in its inception, and in committing the nation to the hazard, could not be unknown; and in view of the adverse events of its early history, the opponents of the war and of the administration fell heavily upon him who had been so active in bringing it about. He thus replies:—

"Sir, gentlemen appear to me to forget, that they stand on American soil; that they are not in the British house of commons, but in the chamber of the house of representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts, of another country, and forgetting, from honest zeal, the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me, whether I do not view with regret and horror the concentration of such vast power in the hands of Bonaparte, I reply, that I do. I regret to see the emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of our globe. If I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say, that Holland should be resuscitated, and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries, the Alps, Pyrenees, and the Rhine, and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to their original condition, and preserve the integrity of the empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the

history of other countries, or other times. I do not survey them with half the interest that I do the movements in South America. Our political relation with them is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united we are too powerful for the mightiest nation in Europe, or all Europe combined. If we are separated and torn asunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

"Next to the notice which the opposition has found itself called upon to bestow upon the French emperor, a distinguished citizen of Virginia, formerly president of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable gentleman from Massachusetts [Mr. Quincy], of whom I am sorry to say, it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir. In 1801, he snatched from the rude hand of usurpation the violated constitution of his country, and *that* is his crime. He preserved that instrument, in form, and substance, and spirit, a precious inheritance for generations to come, and for *this* he can never be forgiven. How vain and impotent is party rage, directed against such a man! He is not more elevated by his lofty residence, upon the summit of his own favorite mountain, than he is lifted, by the serenity of his mind, and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not less moved by the storms that beat against its sides, than is this illustrious man, by the howlings of the whole British pack, set loose from the Essex kennel! When the gentleman to whom I have been compelled to allude, shall have mingled his dust with that of his abused ancestors, when he shall have been consigned to oblivion, or, if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will be hailed with gratitude, his memory honored and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to, as one of the happiest and brightest epochs of American history—an oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has indeed secured to himself a more imperishable fame than I had supposed: I think it was about four years ago that he submitted to the house of representatives, an initiative proposition for the impeachment of Mr. Jefferson. The house condescended to consider it. The gentleman debated it with his usual *temper*, *moderation*, and *urbanity*. The house decided upon it in the most solemn manner, and, although the gentleman

had some how obtained a second, the final vote stood, ONE for *and one hundred and seventeen against*, the proposition!

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"But, sir, I must speak of another subject, which I never think of but with feelings of the deepest awe. The gentleman from Massachusetts, in imitation of some of his predecessors of 1799, has entertained us with a picture of cabinet plots, presidential plots, and all sorts of plots, which have been engendered by the diseased state of the gentleman's imagination. I wish, sir, that another plot, of a much more serious and alarming character—a plot that aims at the dismemberment of our Union—had only the same imaginary existence. But no man, who has paid any attention to the tone of certain prints, and to transactions in a particular quarter of the Union, for several years past, can doubt the existence of such a plot. It was far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. But I can not say as much for some, who have been unworthily associated with them in the quarter of the Union to which I have referred. The gentleman can not have forgotten his own sentiment, uttered even on the floor of this house, 'peaceably if we can, FORCIBLY if we must,' nearly at the very time Henry's mission to Boston was undertaken. The flagitiousness of that embassy had been attempted to be concealed, by directing the public attention to the price which, the gentleman says, was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate, in the slightest degree, the offence of those citizens, who entertained and deliberated upon a proposition so infamous and unnatural! There was a most remarkable coincidence between some of the things which that man states, and certain events in the quarter alluded to. In the contingency of war with Great Britain, it will be recollected, that the neutrality and eventual separation of that section of the Union was to be brought about. How, sir, has it happened, since the declaration of war, that British officers in Canada have asserted to American officers, that this very neutrality would take place? That they have so asserted, can be established beyond controversy. The project is not brought forward openly, with a direct avowal of the intention. No, the stock of good sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship, of peace and commerce, on the one side, and by the groundless imputation of opposite propensities on the other. The affections of the people, there, are gradually to be undermined. The project is suggested or withdrawn; the diabolical *dramatis personæ*, in this criminal tragedy, make their appearance or exit, as the audience, to whom they address themselves, applaud or condemn. I was astonished, sir, in reading lately

a letter, or pretended letter, published in a prominent print in that quarter, and written, not in the fervor of party zeal, but coolly and dispassionately, to find that the writer affected to reason about a separation, and attempted to demonstrate its advantages to the different portions of the Union—deploring the existence now of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated. But, sir, I will quit this unpleasant subject.

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"The war was declared, because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council—a pretension by which she undertook to proclaim to American enterprise, 'thus far shalt thou go, and no further'—orders which she refused to revoke, after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war, so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this house, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true, they wrapped themselves up in sullen silence, pretending they did not choose to debate such a question in secret session. While speaking of the proceedings on that occasion, I beg to be admitted to advert to another fact which transpired—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague [Mr. McKee] moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom, seven belonged to this side of the house, and three only to the other! It is said, that we were inveigled into the war by the perfidy of France; and that, had she furnished the document in time, which was first published in England, in May last, it would have been prevented. I will concede to gentlemen everything they ask about the injustice of France toward this country. I wish to God that our ability was equal to our disposition, to make her feel the sense that we entertain of that injustice. The manner of the publication of the paper in question, was, undoubtedly, extremely exceptionable. But I maintain, that, had it made its appearance earlier it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British government. I will trouble you, sir, with going no further

back than to the letters of the British minister, addressed to the secretary of state, just before the expiration of his diplomatic functions. It will be recollected by the committee, that he exhibited to this government a despatch from Lord Castlereagh, in which the principle was distinctly avowed that, to produce the effect of a repeal of the orders in council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that despatch was demanded of him, and he very awkwardly evaded it. But on the tenth of June, after the bill declaring war had actually passed this house, and was pending before the senate (and which, I have no doubt, was known to him), in a letter to Mr. Monroe, he says: 'I have no hesitation, sir, in saying, that Great Britain, as the case has hitherto stood, never did, and never *could*, engage, without the greatest injustice to herself and her allies, as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other states, upon condition that France would except, singly and specially, America from the operation of her decrees.' On the fourteenth of the same month, the bill still pending before the senate, he repeats: 'I will now say, that I feel entirely authorized to assure you, that if you can, at any time, produce a *full and unconditional* repeal of the French decrees, as you have a right to demand it, in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing *such* an instrument, which I am sorry to see you regard as unnecessary, you can not expect of us to give up our orders in council.' Thus, sir, you see, that the British government would not be content with a repeal of the French decrees as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British government. It could not, therefore, have induced that government, had it been earlier promulgated, to repeal the orders in council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended, that, in point of fact, it did produce a repeal of the orders in council. This I deny. After it made its appearance in England, it was declared by one of the British ministry in parliament, not to be satisfactory. And all the world knows, that the repeal of the orders in council resulted from the inquiry, reluctantly acceded to by the ministry, into the effect upon their manufacturing establishments, of our non-importation law, or to the warlike attitude assumed by this government, or to both.

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"It is not to the British principle [of allegiance], objectionable as it is, that we are alone to look; it is to her practice; no

matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she can not exist, without the impressment of HER seamen. The naked truth is, she comes, by her press-gangs, on board of our vessels, seizes OUR native as well as naturalized seamen, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and of a practice not conformable to the asserted principle—a principle, which, if it were theoretically right, must be for ever practically wrong—a practice which can obtain countenance from no principle whatever, and to submit to which, on our part, would betray the most abject degradation. We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain; that in particular the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave—'Let the bearer, Mungo, pass and repass without molestation.' What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature, they must be liable to abuse on both sides. If Great Britain desires a mark, by which she can know her own subjects, let her give them an ear-mark. The colors that float from the mast-head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule, that all who sail under the flag (not being enemies) are protected by the flag. It is impossible that this country should ever abandon the gallant tars, who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side: 'Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you; but I can not, my son, fight for you.' If he did not consider this mere mockery, the poor tar would address her judgment, and say: 'You owe me, my country, protection; I owe you, in return, obedience. I am no British subject; I am a native of old Massachusetts, where lived my aged father, my wife, my children. I have faithfully discharged my duty. Will you refuse to do yours?' Appealing to her passions he would continue: 'I lost this eye in fighting under Truxton, with the Insurgente; I got this scar before Tripoli; I broke this leg on board the Constitution, when the Guerriere struck.' If she remained

still unmoved, he would break out in the accents of mingled distress and despair,

> "'Hard, hard is my fate! once I freedom enjoyed,
> Was as happy as happy could be!
> Oh! how hard is my fate, how galling these chains!'

I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor. It will not be, it can not be, that his country will refuse him protection."

Having shown by documentary evidence, that there was nothing in the alleged repeal of the British orders in council that could constitute a ground of pacification, Mr. Clay proceeded to the consideration of other points of attack from the opposition. The focus of the fires that were poured in, he sent back his scorching flames on the assailants of the administration. When they averred, that those most interested in impressment, were most opposed to the war, he taunted this lack of humanity, and pointed to the sympathy of the west, to shame them for such an avowal. He could not believe they would so libel themselves, or that they had done justice to their constituents. Did not the latter sympathize with their western brethren exposed to the Indian tomahawk? No matter whether an American citizen seeks subsistence amid the dangers of the deep, or draws it from the bowels of the earth, or from agriculture, or from the humblest occupations of mechanic life—whatever be his vocation—the rights of an American freeman are sacred, and when assailed, all hearts should unite, and every arm be braced, to vindicate his cause. But the rights of seamen, who brave the hardships and perils of the deep, in bold adventure for the common good as well as for their own personal advantage, are especially sacred.

Continuing in this sarcastic vein, well provoked, Mr. Clay said:—

"When the administration was striving, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, they were for old-fashioned war. And now they have got old-fashioned war, their sensibilities are cruelly shocked, and all their sympathies lavished upon the harmless inhabitants of the adjoining provinces. What does a state of war present? The united energies of one people arrayed against the combined energies of another; a conflict in which each party aims to inflict all the injury it can, by sea and land, upon the territories, property, and citizens of the other—subject only to the rules of mitigated war, practised by civilized nations. The gentleman would not touch the continental provinces of the enemy, nor, I presume, for the same reason, her possessions in the West Indies. The same hu

mane spirit would spare the seamen and soldiers of the enemy. The sacred person of his majesty must not be attacked; for the learned gentlemen, on the other side, are quite familiar with the maxim, that the king can do no wrong. Indeed, sir, I know of no person on whom we may make war, upon the principles of the honorable gentleman, but Mr. Stephen, the celebrated author of the orders in council, or the board of admiralty, who authorize and regulate the practice of impressment!

"The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements by land have been less splendid than those of our intrepid seamen by water, it is not because the American soldier is less brave. On the one element, organization, discipline, and a thorough knowledge of their duties, exist, on the part of the officers and their men. On the other, almost everything is yet to be acquired. We have, however, the consolation that our country abounds with the richest materials, and that in no instance, when engaged in action, have our arms been tarnished. At Brownstown and at Queenstown, the valor of veterans was displayed, and acts of the noblest heroism were performed. It is true, that the disgrace of Detroit remains to be wiped off. That is a subject on which I can not trust my feelings; it is not fitting I should speak. But this much I will say, it was an event which no human foresight could have anticipated, and for which the administration can not be justly censured. It was the parent of all the misfortunes we have experienced on land. But for it, the Indian war would have been, in a great measure, prevented or terminated; the ascendency on Lake Erie acquired, and the war pushed on, perhaps to Montreal. With the exception of that event, the war, even upon the land, has been attended by a series of the most brilliant exploits."

Fortunately for the country, the labors of Mr. Clay and his coadjutors, were not in vain. The navy, on the Atlantic and on the lakes, earned for itself an imperishable fame, and demonstrated. to the full conviction of the American people—a most desirable result —the vast importance of sustaining and rendering efficient this arm of the national strength. The army nobly retrieved its character, and the war was ended in the full blaze of the victory of New Orleans, January 8, 1815. The recital of military history, is another function from that of recording the deeds of statesmen, and that of the war of 1812 claims the attention of an able hand. It is understood, while the author is writing this chapter, to be in progress.

The spirit of Mr. Clay, as cherished throughout that war, is perhaps well exemplified in the following passage:—

"An honorable peace is attainable only by an efficient war. My plan would be, to call out the ample resources of the country,

give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax. We are told, that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for FREE TRADE AND SEAMEN'S RIGHTS."

"FREE TRADE AND SEAMEN'S RIGHTS."—There can not, perhaps, be a better place than this to intimate, what advantage has been taken of this expression, "free trade," so deeply planted in the passions, in the heart, of the American people, to pervert it from its original meaning, and in applying it to another question. "Free trade and sailors' rights," was one of the most powerful popular appeals, before and during the war of 1812; and it will be seen, from the use of "free trade" in this place, by Mr. Clay, that it related to the right of search and impressment, as asserted by the British government, as it was at that time practised on American seamen, and thus became one of the chief causes of the war; and that "free trade" *then* meant the right to sail on the great highway of nations, in the pursuits of commerce, without question, without interruption, and without "visit," by a foreign power. This was the kind of "free trade" contended for in the war of 1812. But the expression has more recently been used in the debates on the protective policy, to mean a very different thing; and yet more than half the people, perhaps, think it means the same thing, and are therefore attached to it. They fought for it once—why not fight for it now? It is obviously unfair to take advantage of such a feeling, when the people would as soon fight *against* "free trade" as it is now used, if they understood it, as they fought *for* it in the sense it was used thirty years ago. This is one of the instances in which words are *things*. It will probably take half a century to eradicate the original meaning of this phrase from the American mind, and substitute the present. By *free* trade most people still understand *fair* trade, whereas, as a technical phrase in political economy, as now employed, it means directly the opposite. Hence the undesirableness of converting scientific technicalities into popular uses, it being so difficult, next

to impossible, to make the people understand them. As in the application of the word "democrat" to one party, that party has all the advantage, and the other all the disadvantage.

The brief sketch of Mr. Clay's career, given in this chapter, is a fair exhibit of the position which he occupied during the war of 1812. The government embarked in the contest in the midst of powerfully-conflicting opinions, as to the necessity, propriety, or expediency of so momentous a step. The administration was vigorously, not to say violently, assailed from where it had need and some claims for encouragement and support. The first stages of the war were disastrous, and gave great advantage, both to the enemy and to domestic opposition. But the brilliant achievements of its later stages, and the final result, put the whole matter in a new and different light; and the lapse of thirty years has served only to impart additional validity to a general conviction entertained at the close of the war, that the nation acquired by that struggle very important benefits and needful advantages. It was rescued from contempt, and elevated to a proud position.

The part borne by Mr. Clay in that trying period, adds not less to his claims on the gratitude of the country, than to the blaze of his reputation. At one time portraying, in manly terms, and with burning indignation, the insults and injuries of the foe; at another remonstrating with domestic opponents; then addressing himself, in the manner of the discharge of his patriotic duties, to the whole American people, he disarmed opposition, chased away the fears of the timid, imparted fresh courage to the strong, and stood by the government, himself eminent and influential in its counsels, both in the origination and conduct of the war. The influence he wielded over the moral, and in that way, over the physical power of the country, was commanding. His animating spirit, his stirring eloquence, his useful counsels, and his untiring agency, from the position he occupied, were everywhere felt, and equally beneficial, in the army and navy, to incite them to deeds of valor and of victory, as in the presiding magistracy of the nation, to give it constancy, and nerve it with vigor. By his comprehensive statesmanship, by his timely advice, and by his persuasions, the resources of the country started from repose, were put in effective action, and the nation, though it went into the contest under the greatest disadvantages, and was sometimes disheartened, was in the end victorious, and prepared to demand honorable peace.

The part of duty assigned to Mr. Clay in the negotiations of Ghent, and the manner of its discharge, has already been noticed. On his return to the United States, and to Lexington, after the peace, his fellow-citizens gave him a public dinner, where the following sentiment, among others, was read: "OUR ABLE NEGOTIATORS AT GHENT: Their talents and diplomacy have kept pace with the valor of our arms, in demonstrating to the enemy that these states will be free."

To which Mr. Clay replied:—

"I feel myself called on, by the sentiment just expressed, to return my thanks, in behalf of my colleagues and myself. I do not, and am quite sure they do not, feel, that, in the service alluded to, they are at all entitled to the compliment which has been paid them. We could not do otherwise than reject the demand made by the other party; and if our labors finally terminated in an honorable peace, it was owing to causes on this side of the Atlantic, and not to any exertion of ours. Whatever diversity of opinion may have existed as to the declaration of the war, there are some points on which all may look back with proud satisfaction, The first relates to the time of the conclusion of the peace. Had it been made immediately after the treaty of Paris, we should have retired humiliated from the contest, believing that we had escaped the severe chastisement with which we were threatened, and that we owed to the generosity and magnanimity of the enemy, what we were incapable of commanding by our arms. That magnanimity would have been the theme of every tongue, and of every press, abroad and at home. We should have retired, unconscious of our own strength, and unconscious of the utter inability of the enemy, with his whole undivided force, to make any serious impression upon us. Our military character, then in the lowest state of degradation, would have been unretrieved. Fortunately for us, Great Britain chose to try the issue of the last campaign. And that has demonstrated, in the repulse before Baltimore, the retreat from Plattsburgh, the hard-fought action on the Niagara frontier, and in that most glorious day, the eighth of January, that we have always possessed the finest elements of military composition, and that a proper use of them, only, was necessary, to insure for the army and militia a fame as imperishable as that which the navy had previously acquired.

"Another point, which appears to me to afford the highest consolation, is, that we fought the most powerful nation, perhaps, in existence, singlehanded and alone, without any sort of alliance. More than thirty years had Great Britain been maturing her physical means, which she had rendered as efficacious as possible, by skill, by discipline, and by actual service. Proudly boasting of

the conquest of Europe, she vainly flattered herself with the easy conquest of America also. Her veterans were put to flight or defeated, while all Europe—I mean the governments of Europe—was gazing with cold indifference, or sentiments of positive hatred of us, upon the arduous contest. Hereafter no monarch can assert claims of gratitude upon us, for assistance rendered in the hour of danger.

"There is another view of which the subject of the war is fairly susceptible. From the moment that Great Britain came forward at Ghent with her extravagant demands, the war totally changed its character. It became, as it were, a new war. It was no longer an American war, prosecuted for redress of British aggressions upon American rights, but became a British war, prosecuted for objects of British ambition, to be accompanied by American sacrifices. And what were those demands? Here, in the immediate neighborhood of a sister state and territories, which were to be made in part the victims, they must have been felt, and their enormity justly appreciated. They consisted of the erection of a barrier between Canada and the United States, to be formed by cutting off from Ohio and some of the territories a country more extensive than Great Britain, containing thousands of freemen, who were to be abandoned to their fate, and creating a new power, totally unknown upon the continent of America; of the dismantling of our fortresses, and naval power on the lakes, with the surrender of the military occupation of those waters to the enemy, and of an *arrondissement* for two British provinces. These demands, boldly asserted, and one of them declared to be a *sine qua non*, were finally relinquished. Taking this view of the subject, if there be loss of reputation by either party, in the terms of peace, who has sustained it?

"The effects of the war are highly satisfactory. Abroad, our character, which at the time of its declaration was in the lowest state of degradation, is raised to the highest point of elevation. It is impossible for any American to visit Europe, without being sensible of this agreeable change, in the personal attentions which he receives, in the praises which are bestowed on our past exertions, and the predictions which are made as to our future prospects. At home, a government, which, at its formation, was apprehended by its best friends, and pronounced by its enemies, to be incapable of standing the shock, is found to answer all the purposes of its institution. In spite of the errors which have been committed (and errors have undoubtedly been committed), aided by the spirit and patriotism of the people, it is demonstrated to be as competent to the objects of effective war, as it has been before proved to be to the concerns of a season of peace. Government has thus acquired strength and confidence. Our prospects for the future, are of the brightest kind. With every reason to count on the permanence

of peace, it remains only for the government to determine upon military and naval establishments adapted to the growth and extension of our country and its rising importance, keeping in view a gradual, but not burdensome, increase of the navy; to provide for the payment of the interest, and the redemption of the public debt, and for the current expenses of government. For all these objects, the existing sources of the revenue promise not only to be abundantly sufficient, but will probably leave ample scope to the exercise of the judgment of Congress, in selecting for repeal, modification, or abolition, those which may be found most oppressive, inconvenient, or unproductive."

It is not easy to estimate the importance of the public functions discharged by Mr. Clay in that period of American history comprehended in the war of 1812, and in bringing about an honorable and lasting peace. He was then only a young man, but pre-eminent in influence—an influence earned by toil, and justly awarded to talent. Devotion to country, worthy of a better age, seems to have been the mainspring of his exertions. None can deny that he was equal to every exigency that arose in the domestic condition of the United States, and in the foreign relations of the government. He enjoyed a pre-eminent share of the confidence of Congress, of the executive branch of the government, and of the whole country; nor has the bitterest of his enemies ever presumed to say, that he abused it. Mr. Clay was never a man to abuse faith, public or private; but, when forced, in the discharge of his duties, to avail himself of it, he has used it most charily. With all the boldness of character that has sometimes been ascribed to him, personal diffidence has always tempered his conduct, and circumscribed the energy of his intellectual and moral powers within the limits of a cautious prudence. For intrepidity of enterprise, no man, naturally, ever exceeded him; and for discretion, few have ever rivalled him.

CHAPTER X.

MR. CLAY ON DOMESTIC SLAVERY.

It will be incumbent on those who would correctly view and rightly represent Mr. Clay, on domestic slavery, to distinguish between his feelings as a MAN, and his principles as a STATESMAN. It is elsewhere remarked in these pages, that, with Mr. Clay, acting in the capacity of a statesman, the LAW is the GOSPEL. He has doubtless ever been aware—as sensible men must be—that all human institutions are imperfect; as with sensible men, it may be presumed to have been a maxim with him, that human institutions, such as they are, should generally be used, to improve themselves, and to make better. Not that revolution is in no case justifiable; for the United States owe their existence, as an independent nation, to an act of this kind; but, that revolution, in itself considered, is not only undesirable, but perilous, and should be resorted to only in extremities, as in the case of the declaration of American independence. The CONSTITUTION and the LAWS are usually the only safe guide of a patriotic statesman. In the United States, it is safe to say, they are absolutely and unqualifiedly so. They may be, they are doubtless, imperfect; but they have cost too much, and are too valuable, too important, to be lightly dealt with; and they contain the elements, provisions, for their own emendation and improvement, indefinitely, without a shaking, or disturbance, of the fabric.

It is believed, that Mr. Clay is not misrepresented, by the assumption, that with him, as a statesman, the fundamental law of the land is not less supreme in its importance, than in its authority; that it should be HELD supreme, however profoundly, and even painfully, its imperfections may be felt, in certain applications and directions, and over certain classes; and that its maintenance is necessary for the removal of such imperfections, by its own legitimate action. It is believed, that Mr. Clay can not be understood, either on the subject of slavery, or any other great political

question, agitating the general mind, without a distinct recognition of this great principle. Bred in the school of statesmen, and most of the action of his life having been in that field, that high moral sense ascribed to him in another part of this work, has been developed in nothing more eminently, than in his conscientious regard for fundamental law. Believing in it, as the best that could have been formed in the circumstances of its date, the best that civilization has yet produced, and the best to harmonize the diverse interests and feelings of the Union, and the best in its practical operation hitherto, it may be supposed he has ever felt it worthy of great respect, on account of its inherent and positive excellence, independent of the sacred character of the instrument, which would bind such a conscience, as that of Mr. Clay, on a fit occasion, to the stake of martyrdom, for its defence. In this view, Mr. Clay has very justly realized the confidence of a great portion of the people of all parts of the Union, as an advocate and defender of the constitution, in respect to slavery, though, to some extent, that confidence, by misrepresentation, has been wrongfully impaired.

Nevertheless, Mr. Clay has never suffered his respect for the constitution—supreme as it has ever been, in its binding force upon him, in the discharge of his functions as a STATESMAN—to obliterate, or even to modify, his feelings as a MAN. In common with many eminent patriots of the slaveholding states—such as Washington, Jefferson, Madison, Marshall, Mercer, and a host of others—Mr. Clay has ever regarded slavery in the United States, not less as a social wrong, than a great political evil—as a sore on the body politic—demanding the gravest consideration of the wise and good, for the discovery and application of a *constitutional* remedy. His entrance on the theatre of public life, in Kentucky, was as an emancipationist, in 1798, the year after he removed to that state, where he appeared first, in a series of articles, published at Lexington, in the Kentucky Gazette, over the signature of SCÆVOLA; and soon afterward, he took the field more openly, and headed a party of emancipationists, during the agitation of remodelling the state constitution, proposing and advocating the introduction of an article for the gradual and ultimate abolition of slavery in the commonwealth. Though he and his coadjutors failed of their object, they nevertheless made an earnest and bold push, leaving a lasting impression on the public mind. Notwithstanding it exposed him to obloquy, and from that period has been politically injurious to him, in the state of his adoption, he has never retreated from the

ground he then occupied, otherwise than in the diversion of labors, which could be no longer of use, to other public objects.

It is well known, and has often been repeated, that about twenty years afterward, when advocating the compromise of the Missouri question, he said on the floor of Congress, that, were he a citizen of Missouri, he would contend for an article in her constitution, like that he had supported in Kentucky, for gradual emancipation, with a view to abolition, and that he earnestly recommended it to the people of that state.

In a speech delivered at the annual meeting of the American Colonization Society, at Washington, January 20, 1827, Mr. Clay said:—

"Notwithstanding the vigilance of the powers now engaged to suppress the slave-trade, I have received information, that in a single year, in the single island of Cuba, slaves equal in amount to one half of the above-named number of fifty-two thousand, have been illicitly introduced. Is it possible, that those concerned in an infamous traffic, can effect more than the states of this Union, if they were seriously to engage in the good work [of colonization]? Is it credible, is it not a libel upon human nature to suppose, that the triumphs of fraud, and violence, and iniquity, can surpass those of virtue, and benevolence, and humanity?"

In this place, Mr. Clay propounded the following theory, which was of interest then, and notwithstanding a transient check to colonization which has resulted from the more recent political abolition movement in the free states, it may yet become of practical importance:—

"The population of the United States being, at this time [1827], estimated at about ten millions of the European race, and two of the African, on the supposition of the annual colonization of a number of the latter, equal to the annual increase of both of its classes (bond and free), during the whole period necessary to the process of duplication of our numbers, they would, at the end of that period, relatively stand twenty millions for the white and two for the black portion. But an annual exportation of a number equal to the annual increase, at the beginning of the term, and persevered in to the end of it, would accomplish more than to keep the parent stock stationary. The colonists would comprehend more than an equal proportion of those of the prolific ages. Few of those who had passed that age, would migrate. So that the annual increase of those left behind, would continue gradually, but at first insensibly, to diminish; and by the expiration of the period of duplication, it would be found to have materially abated. But it is not merely the greater relative safety and happiness,

which would, at the termination of that period, be the condition of the whites. Their ability to give further stimulus to the cause of colonization will have been doubled, while the subjects on which it would have to operate, will have decreased, or remained stationary. If the business of colonization should be regularly continued during two periods of duplication, at the end of the second, the whites would stand to the blacks, as forty millions to not more than two, while the same ability will have quadrupled. Even if colonization should then altogether cease, the proportion of the African to the European race will be so small, that the most timid may then for ever dismiss all ideas of danger from within or without, on account of that incongruous and perilous element in our population.

"Further: By the annual withdrawal of fifty-two thousand persons of color, there would be an annual space created for an equal number of the white race. The period, therefore, of the duplication of the whites, by the laws which govern population, would be accelerated.

"Such is the extension and use which may be made of the principle of colonization, in application to our slave population, by those states which are alone competent to undertake and execute it. All, or any one of the states, which tolerate slavery, may adopt and execute it, by coöperation, or separate exertion."

The following extracts from this speech, stand out in strong relief, as a demonstration of Mr. Clay's feelings as a MAN, on the subject of slavery:—

"If I could be instrumental in eradicating this deepest stain [slavery] from the character of our country, and removing all cause of reproach on account of it, by foreign nations; if I could only be instrumental in ridding of this foul blot that revered state that gave me birth, or that not less beloved state which kindly adopted me as her son; I would not exchange the proud satisfaction which I should enjoy, for the honor of all the triumphs ever decreed to the most successful conqueror.

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"We are reproached with doing mischief by the agitating of this question [slavery]. Collateral consequences we are not responsible for. It is not this society, which has produced the great moral revolution, which the age exhibits. What would they, who thus reproach us, have done? If they would repress all tendencies toward liberty, and ultimate emancipation, they must do more than put down the benevolent efforts of this society. They must go back to the era of our liberty and independence, and muzzle the cannon, which thunders its annual joyous return. They must revive the slave-trade, with all its train of atrocities. They must blow out the moral lights around us, and extinguish that greatest

torch of all, which America presents to a benighted world, pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will yet be incomplete. They must penetrate the human soul, and eradicate the light of reason, and the love of liberty. Then, and not till then, when universal darkness and despair prevail, can you perpetuate slavery, and repress all sympathies, and all humane and benevolent efforts among freemen, in behalf of the unhappy portion of our race doomed to bondage."

In another speech, on the same subject, delivered at Frankfort, Kentucky, December 17, 1829, at the anniversary of the Kentucky colonization society, Mr. Clay expressed the following sentiments:—

"More than thirty years ago an attempt was made, in this commonwealth, to adopt a system of gradual emancipation, similar to that which the illustrious Franklin had mainly contributed to introduce, in 1780, in the state founded by the benevolent Penn. And among the acts of my life, which I look back to with most satisfaction, is that of my having coöperated, with other zealous and intelligent friends, to procure the establishment of that system in this state. We believed that the sum of good, which would be attained by the state of Kentucky, in a gradual emancipation of her slaves, would far transcend the aggregate of mischief which might result to herself and the Union together, from the gradual liberation of them, and their dispersion and residence in the United States. We were overpowered by numbers, but submitted to the decision of the majority, with a grace which the minority, in a republic, should ever yield to such a decision. I have, nevertheless, never ceased, and never shall cease, to regret a decision, the effects of which have been to place us in the rear of our neighbors, who are exempt from slavery, in the state of agriculture, the progress of manufactures, the advance of improvements, and the general prosperity of society."

In the same speech, speaking of the portentous aspects of slavery in the United States, he asks:—

"Is there no remedy? Must we endure perpetually all the undoubted mischiefs of a state of slavery, as it affects both the free and bond portions of these states? What mind is sufficiently extensive in its reach, what nerves sufficiently strong, to contemplate this vast and progressive augmentation [of the slave population] without an awful foreboding of the tremendous consequences?

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"When we consider the cruelty of the origin of negro-slavery, its nature, the character of the free institutions of the whites, and the irresistible progress of public opinion, throughout America, as

well as in Europe, it is impossible not to anticipate frequent insurrections among the blacks in the United States; they are rational beings, like ourselves, capable of feeling, of reflection, and of judging of what naturally belongs to them as a portion of the human race. By the very condition of the relation which subsists between us, we are enemies of each other. They know well the wrongs which their ancestors suffered, at the hands of our ancestors, and the wrongs which they believe they continue to endure, although they may be unable to avenge them. They are kept in subjection only by the superior intelligence and superior power of the predominant race.

"If we were to invoke the greatest blessing on earth, which Heaven, in its mercy, could now bestow on this nation, it would be the separation of the two most numerous races of its population, and their comfortable establishment in distinct and distant countries. To say nothing of the greatest difficulty in the formation of our present happy constitution, which arose out of this mixed condition of our people; nothing of the distracting Missouri question, which was so threatening; nothing of others springing from the same fruitful source, which yet agitate us, who can contemplate the future, without the most awful apprehensions? Who, if this promiscuous residence of whites and blacks, of freemen and slaves, is for ever to continue, can imagine the servile wars, the carnage and the crimes, which will be its probable consequences, without shuddering with horror?

In presenting a memorial of the Kentucky colonization society to the senate, March 28, 1832, among other things, Mr. Clay said:—

"The general subject [slavery] was one, than which, perhaps, no other had more seriously engaged the attention of the people of this country. No man, he presumed, could fail to cherish the hope, that, at some day or other, however distant, and in some mode, the country would be rid of this, the darkest spot on its mantle. How that was to be accomplished, it was, perhaps, not allowable to the present generation to foresee. All, however, must unite in the hope, that, at the proper time, the proper means would be devised, to arrive at this most desirable end. With respect to the constitutional question involved, he entertained not the slightest doubt, that the subject of the abolition of slavery could not be touched by the general government. It belonged exclusively to the states where slavery existed." With regard to colonization, "he sincerely entertained the hope, that the day was not far distant when, forgetting all that now tended to distract and excite us, and recollecting that we were a common people, alike interested in the common prosperity, we could without any of these objections, take this question into full consideration, and dispose of it,

in a manner, congenial with the feelings, as well as the interest of all. It was true, that the friends of the colonization society had contended, that the right to remove the free blacks existed in the general government; and that, as this part of the black population was moved off, the several states might deem it proper to introduce a system of gradual emancipation, such as was introduced by Franklin, in Pennsylvania, in 1780."

It will be seen, therefore, that, for at least thirty years of Mr. Clay's public life, he had but one feeling as a MAN, on the subject of slavery, which he freely and frankly avowed, on all fit occasions, public as well as private, in the halls of legislation, and at numerous public meetings, in the face of the nation and the world. He began his career as an emancipationist, in 1798, first by articles in the Kentucky Gazette, and then as a zealous supporter of the party in that state, whose aim was to introduce an emancipation clause in the new constitution. Thirty years afterward, he declares his adherence to the same opinion, in his speech before the Kentucky colonization society, at Frankfort, as above cited, and says: "Among the acts of my life, which I look back to with satisfaction, is that of my having coöperated, with other zealous and intelligent friends, to promote the establishment of that system in this state." He gave distinct and emphatic expression to this feeling, in 1820, in the debate on the Missouri question, and has never been known to deviate from it. While advocating the political emancipation of Spanish America, in 1820, he said:—

"Some gentlemen had intimated, that the people of the south were unfit for freedom. Will gentlemen contend, said Mr. Clay, because those people are not like us in all particulars, they are therefore unfit for freedom? In some particulars, he ventured to say, that the people of South America were in advance of us. On the point which had been so much discussed on this floor, during the present session, they were greatly in advance of us. Grenada, Venezuela, and Buenos Ayres, had all emancipated their slaves. He did not say that we ought to do so, or that they ought to have done so, under different circumstances; but he rejoiced that the circumstances were such as to permit them to do it."

But this feeling was not peculiar to Mr. Clay. It was common to and equally decided and strong in the breasts of a host of the most prominent and influential men, and leading statesmen, of the slaveholding states, until they became alarmed by the violence of northern political abolitionists. The feeling in favor of emancipation in the slave states—where alone it can be effective, and in which

alone is vested a constitutional power over the subject—was advancing, and becoming more and more influential, till a damper was cast over it, by what was regarded—not without reason—as an interference with their constitutional rights. As was a natural consequence of such an interference, these feelings and these efforts in the slave states, in favor of emancipation, all at once ceased. What many of the people of the slave states were disposed to do of their own accord, they would not have forced upon them by improper means. Ceasing from their labors in a benevolent cause, they started up for the defence of their rights, as they viewed them, and that is the position which the people of the slave states have for several years occupied, so far as the question of slavery is concerned.

It is obvious, that this change of feeling, in the two great quarters of the Union, on the subject of slavery, must have had its influence, positively or negatively, in some respects both, on the position of public men; and that, on none could the duty of circumspection and caution be more imperatively incumbent, in regard to such a state of things, than upon those pure and devoted patriots, who are charged with preserving the harmony and integrity of the Union. They who might before freely and frankly express their feelings as MEN—though of the same opinion still—are, in such a change of circumstances, compelled to consider what is their duty as STATESMEN and PATRIOTS. When a house is safe, the tenants may sport themselves in it, or luxuriate in sentiment, according to their pleasure; but when a tornado is heard approaching, or has burst upon it, or when the earthquake admonishes to the duty of self-preservation, the scene is entirely changed.

There is no reason to suppose, that Mr. Clay's feelings, on the subject of slavery, have undergone any change, or that they are not truly expressed in the quotations already made from his speeches; but his position, as a public man, has doubtless been affected by the events of the last few years, above alluded to. Ever anxious for the harmony and integrity of the Union, he has been compelled, in this agitation, to refer to "the law and the testimony"—to determine the relative rights of the states, in respect to slavery, as defined in the federal constitution, and to plant his foot on that platform, to stand while it stands, and to fall only when that must fall.

It was in view of this new state of things, that Mr. Clay took occasion, in the senate, February 7, 1839, to express his feelings

and apprehensions, in regard to *political* abolition, as agitated in the free states. He said :—

"I am, Mr. President, no friend of slavery. The Searcher of all hearts knows, that every pulsation of mine beats high in the cause of civil liberty. Wherever it is safe and practicable, I desire to see every portion of the human family in the enjoyment of it. But I prefer the liberty of my own country to that of any other people, and the liberty of my own race to that of any other race."

He adverted, on this occasion, to the effort, in which he was engaged for emancipation, in the state of Kentucky, in 1798–'9 :—

"Forty years ago, the question was agitated in Kentucky, of a gradual emancipation of slaves within its limits. By gradual emancipation, I mean that slow, but safe and cautious liberation of slaves, which was first adopted in Pennsylvania, at the instance of Dr. Franklin [it was the Hon. GEORGE BRYAN, as afterward corrected by Mr. Clay], in 1780, and according to which, the generation in being were to remain in slavery, but all their offspring, born after a specified period, were to be free at the age of twenty-eight, and in the meantime were to receive preparatory instruction to qualify them for the enjoyment of freedom. That was the species of emancipation, which, at the epoch to which I allude, was discussed in Kentucky. No one was rash enough to think of throwing loose upon the community, ignorant and unprepared, the untutored slaves of the state. Many thought—and I among them —that, as each of the slave states had a right exclusively to judge for itself, in respect to the institution of domestic slavery, the proportion of slaves, compared with the white population in that state, at that time, was so inconsiderable, that a system of gradual emancipation might have been safely adopted, without any hazard to the security and interests of the commonwealth. And I still think, that the question of such emancipation in the farming states, is one whose solution depends upon the relative numbers of the two races, in any given state. If I had been a citizen of the state of Pennsylvania, when Franklin's plan was adopted, I should have voted for it."

But Mr. Clay apparently thinks—and there are few, probably, who think otherwise—that this northern political abolition has put the country, the slave states, and all true patriots, in a new position. He says :—

"Instead of advancing that cause [of emancipation] by their efforts, they have thrown back for half a century, the prospect of any species of emancipation of the African race, gradual or immediate, in any of the states. The proposition in Kentucky for a gradual emancipation, did not prevail; but it was sustained by a large and

respectable minority. That minority had increased, and was increasing, until the abolitionists commenced their operations. The effect has been, to dissipate all prospects whatever, for the present, of any scheme of gradual or other emancipation. The people of that state have become shocked and alarmed by these abolition movements, and the number, who would now favor a system even of gradual emancipation, is probably less than it was in the years 1798–'9. But for the agitation of the question of abolition, in states, whose population, in the opinion of the people of Kentucky, had no right to interfere in the matter, the vote for a convention [in 1838, to amend the constitution, for emancipation and other objects] would have been much larger, if it had not been carried. Only about one fourth of the people voted for it.

"Prior to the agitation of this question of abolition, there was a progressive melioration in the condition of slaves throughout all the slave states. In some of them, schools of instruction were opened by humane and religious persons. These are all now checked; and a spirit of insubordination having shown itself in some localities, traceable, it is believed, to abolition movements and exertions, the legislative authorities have found it expedient to infuse fresh vigor into the police, and laws which regulate the conduct of the slaves.

"It is frequently asked, what is to become of the African race among us? Are they for ever to remain in bondage? That question was asked more than a half century ago. The true answer is, that the same Providence, that has hitherto guided and governed us, and averted all serious evils from the existing relations between the two races, will guide and govern our posterity. Sufficient unto the day is the evil thereof. We have hitherto, with that blessing, taken care of ourselves. Posterity will find the means of its own preservation and prosperity. It is only in the most direful event that could befall this people, that this great interest, and all other of our great interests, could be put in jeopardy"—the dissolution of the Union by such a cause. "If we may attempt to lift the veil, and contemplate what lies beyond it, I too have ventured upon a speculative theory, with which I will not now trouble you, but which has been published to the world. According to that, in the progress of time, some one hundred and fifty or two hundred years hence, but few vestiges of the black race will remain among our posterity."

Mr. Clay here refers to the theory, which is in part propounded in one of the foregoing extracts from his speech before the American Colonization Society, in 1827, and which was more fully developed in his speech at Frankfort, in 1829. It is allied to the scheme of colonization, in which Mr. Clay has always had faith

and apparently still has. If the country should ever obtain repose from the agitation of political abolition, before it be too late, this scheme will not improbably be revived, and the hopes of Mr. Clay may be realized. The project is a magnificent one. It is even morally sublime. Nor is it, in a favorable state of the public mind, less feasible, than captivating—alike captivating to the American patriot. to the philanthropist, to the Christian. A little more than a million of dollars annually—much less than a million and a half —would transport, and establish in Africa, an amount of the colored population of the United States, free and emancipated for the purpose, equal to the entire natural increase. Once undertaken, with energy and in general harmony, the willingness of the emigrants, and the ability of the public to sustain the work, would grow together; all interests would be harmonized; the bosom of the nation would be relieved of a frightful and oppressive incubus; and with this relief, the continent of Africa would be civilized and Christianized by the descendants of those, who were forced into bondage in the western world, by savage captivity, and through the horrors of the "*middle passage*." Both continents would be blessed, and Africa not the least.

Mr. Clay has frankly expressed his opinion against the feasibility, and even against the safety, of a universal emancipation, unconnected with a system of colonization. He does not believe, that the two races can ever live together in a state of equality.

"They [the abolitionists, he says] put themselves in direct opposition to any separation whatever between the two races. They would keep them for ever pent up together within the same limits, perpetuating their animosities and constantly endangering the peace of the community. They proclaim, indeed, that color is nothing; that the organic and characteristic differences between the two races ought to be entirely overlooked and disregarded. And, elevating themselves to a sublime but impracticable philosophy, they would teach us to eradicate all the repugnances of our nature, and to take to our bosoms and our boards, the black man as we do the white, on the same footing of equal social condition. Do they not perceive that in thus confounding all the distinctions which God himself has made, they arraign the wisdom and goodness of Providence itself? It has been his divine pleasure to make the black man black, and the white man white, and to distinguish them by other repulsive constitutional differences. It is not necessary for me to maintain, nor shall I endeavor to prove, that it was any part of his divine intention that the one race should be held in perpetual bondage by the other; but this I will say

that those whom he has created different, and has declared, by their physical structure and color, ought to be kept asunder, should not be brought together by any process whatever of unnatural amalgamation.

"But if the dangers of the civil contest which I have supposed could be avoided, separation or amalgamation is the only peaceful alternative, if it were possible to effectuate the project of abolition. The abolitionists oppose all colonization, and it irresistibly follows, whatever they may protest or declare, that they are in favor of amalgamation. And who are to bring about this amalgamation? I have heard of none of these ultra-abolitionists furnishing in their own families or persons examples of intermarriage. Who is to begin it? Is it their purpose, not only to create a pinching competition between black labor and white labor, but do they intend also to contaminate the industrious and laborious classes of society at the north by a revolting admixture of the black element?"

In his answer to Mr. Mendenhall, at Richmond, Indiana, October 1, 1842, Mr. Clay said:—

"I know the predominant sentiment in the free states is adverse to slavery; but, happy in their own exemption from whatever evils may attend it, the great mass of our fellow-citizens there do not seek to violate the constitution, or to disturb the harmony of these states. I desire no concealment of my opinions in regard to the institution of slavery. I look upon it as a great evil, and deeply lament that we have derived it from the parental government, and from our ancestors. I wish every slave in the United States was in the country of his ancestors. But here they are, and the question is, how can they be best dealt with? If a state of nature existed, and we were about to lay the foundations of society, no man would be more strongly opposed than I should be, to incorporate the institution of slavery among its elements. But there is an incalculable difference between the original formation of society and a long-existing organized society, with its ancient laws, institutions, and establishments. Now, great as I acknowledge, in my opinion, the evils of slavery are, they are nothing, absolutely nothing, in comparison with the far greater evils which would inevitably flow from a sudden, general, and indiscriminate emancipation. In some of the states the number of slaves approximates toward an equality with that of the whites; in one or two they surpass them. What would be the condition of the two races in those states, upon the supposition of an immediate emancipation? Does any man suppose that they would become blended into one homogeneous mass? Does any man recommend amalgamation—that revolting admixture, alike offensive to God and man? For, those whom He, by their physical properties, has made unlike and put asunder, we may, without presumptuousness,

suppose, were never intended to be joined together in one of the holiest rites. And let me tell you, sir, if you do not already know it, that such are the feelings—prejudice, if you please (and what man, claiming to be a statesman, will overlook or disregard the deep-seated and unconquerable prejudices of the people?)—in the slave states, that no human law could enforce a union between the two races.

"What then would certainly happen? A struggle for political ascendency; the blacks seeking to acquire, and the whites to maintain, possession of the government. Upon the supposition of a general immediate emancipation in those states where the blacks outnumber the whites, they would have nothing to do but to insist upon another part of the same declaration of independence, as Dorr and his deluded democratic followers recently did in Rhode Island; according to which, an undefined majority have the right, at their pleasure, to subvert an existing government, and institute a new one in its place; and then the whites would be brought in complete subjection to the blacks! A contest would inevitably ensue between the two races—civil war, carnage, pillage, conflagration, devastation, and the ultimate extermination or expulsion of the blacks. Nothing is more certain. And are not th se evils far greater than the mild and continually improving state of slavery which exists in this country? I say continually improving; for if this gratifying progress in the amelioration of the condition of the slaves has been checked in some of the states, the responsibility must attach to the unfortunate agitation of the subject of abolition. In consequence of it, increased rigor in the police, and further restraints have been imposed; and I do believe that gradual emancipation (the only method of liberation that has ever been thought safe or wise by anybody in any of the slave states) has been postponed half a century."

When the project of the political abolitionists in the free states had made its undisguised demonstrations on the constitutional rights of the slave states, Mr. Clay thought it incumbent upon him, as a responsible participant in the national councils, to waive all sentimental theories, in which any man in quiet times may innocently indulge, and to apply himself to this subject as a practical statesman—not less, however, as a philanthropist and patriot. In his speech in the senate, of February, 1839, he classifies the opponents of slavery as follows:—

"There are three classes of persons opposed, or apparently opposed, to the continued existence of slavery in the United States. The first are those who, from sentiments of philanthropy and humanity, are conscientiously opposed to the existence of slavery, but who are no less opposed, at the same time, to any

disturbance of the peace and tranquillity of the union, or the in fringement of the powers of the states composing the confederacy. In this class may be comprehended that peaceful and exemplary society of 'Friends,' one of whose established maxims is, an abhor rence of war in all its forms, and the cultivation of peace and goodwill among mankind. The next class consists of apparent abolitionists; that is, those who, having been persuaded that the right of petition has been violated by Congress, co-operate with the abolitionists for the sole purpose of asserting and vindicating that right. And the third class are the real ultra-abolitionists, who are resolved to persevere in the pursuit of their object at all hazards, and without regard to any consequences, however calamitous they may be. With them the rights of property are nothing; the deficiency of the powers of the general government is nothing; the acknowledged and incontestable powers of the states are nothing; civil war, a dissolution of the Union, and the overthrow of a government in which are concentrated the fondest hopes of the civilized world, are nothing. A single idea has taken possession of their minds, and onward they pursue it, overlooking all barriers, reckless and regardless of all consequences. With this class, the immediate abolition of slavery in the District of Columbia, and in the territory of Florida, the prohibition of the removal of slaves from state to state, and the refusal to admit any new state, comprising within its limits the institution of domestic slavery, are but so many means conducing to the accomplishment of the ultimate but perilous end at which they avowedly and boldly aim—are but so many short stages in the long and bloody road to the distant goal at which they would finally arrive. Their purpose is abolition, universal abolition—peaceably if it can, forcibly if it must be. Their object is no longer concealed by the thinnest veil; it is avowed and proclaimed. Utterly destitute of constitutional or other rightful power, living in totally distinct communities, as alien to the communities in which the subject on which they would operate resides, so far as concerns political power over that subject, as if they lived in Africa or Asia, they nevertheless promulgate to the world their purpose to be, to manumit forthwith, and without compensation, and without moral preparation, three millions of negro slaves, under jurisdictions altogether separated from those under which they live. I have said, that immediate abolition of slavery in the District of Columbia and the territory of Florida, and the exclusion of new states, were only means toward the attainment of a much more important end. Unfortunately they are not the only means. Another, and much more lamentable one, is that which this class is endeavoring to employ, of arraying one portion against another portion of the Union. With that view, in all their leading prints and publications, the alleged horrors of slavery are depicted in the most

glowing and exaggerated colors, to excite the imaginations and stimulate the rage of the people in the free states, against the people in the slave states. The slaveholder is held up and represented as the most atrocious of human beings. Advertisements of fugitive-slaves and of slaves to be sold, are carefully collected and blazoned forth, to infuse a spirit of detestation and hatred against one entire and the largest section of the Union. And, like a notorious agitator upon another theatre, they would hunt down and proscribe from the pale of civilized society, the inhabitants of that entire section. * * * *

"But the means to which I have already adverted are not the only ones which this third class of ultra-abolitionists are employing to effect their ultimate end. They began their operations by professing to employ only persuasive means in appealing to the humanity, and enlightening the understandings, of the slaveholding portion of the Union. If there were some kindness in this avowed motive, it must be acknowledged that there was rather a presumptuous display also of an assumed superiority in intelligence and knowledge. For some time they continued to make these appeals to our duty and our interest; but impatient with the slow influence of their logic upon our stupid minds, they recently resolved to change their system of action. To the agency of their powers of persuasion, they now propose to substitute the powers of the ballot-box; and he must be blind to what is passing before us, who does not perceive that the inevitable tendency of their proceedings is, if these should be found insufficient, to invoke, finally, the more potent powers of the bayonet.

"Mr. President, it is at this alarming stage of the proceedings of the ultra-abolitionists, that I would seriously invite every considerate man in the country solemnly to pause, and deliberately to reflect, not merely on our existing posture, but upon that dreadful precipice down which they would hurry us. It is because these ultra-abolitionists have ceased to employ the instruments of reason and persuasion, have made their cause political, and have appealed to the ballot-box, that I am induced, upon this occasion, to address you."

Mr. Clay next proceeds to designate the epochs in the history of the United States, when the public mind has been agitated by the question of slavery, as follows:—

"There have been three epochs in the history of our country, at which the spirit of abolition displayed itself. The first was immediately after the formation of the present federal government. When the constitution was about going into operation, its powers were not well understood by the community at large, and remained to be accurately interpreted and defined. At that period numerous abolition societies were formed, comprising not merely the society

of Friends, but many other good men. Petitions were presented to Congress, praying for the abolition of slavery. They were received without serious opposition, referred, and reported upon by a committee. The report stated, that the general government had no power to abolish slavery, as it existed in the several states, and that these states themselves had exclusive jurisdiction over the subject. The report was generally acquiesced in, and satisfaction and tranquillity ensued; the abolition societies thereafter limiting their exertions, in respect to the black population, to offices of humanity within the scope of existing laws.

"The next period when the subject of slavery, and abolition incidentally, was brought into notice and discussion, was that on the memorable occasion of the admission of the state of Missouri into the Union. The struggle was long, strenuous, and fearful. It is too recent to make it necessary to do more than merely advert to it, and to say, that it was finally composed by one of those compromises characteristic of our institutions, and of which the constitution itself is the most signal instance.

"The third is that in which we now find ourselves. Various causes, Mr. President, have contributed to produce the existing excitement on the subject of abolition. The principal one, perhaps, is the example of British emancipation of the slaves in the islands adjacent to our country. Such is the similarity in laws, in language, in institutions, and in common origin, between Great Britain and the United States, that no great measure of national policy can be adopted in the one country, without producing a considerable degree of influence in the other. Confounding the totally different cases together, of the powers of the British parliament and those of the Congress of the United States, and the totally different situations of the British West India islands, and the slaves in the sovereign and independent states of this confederacy, superficial men have inferred, from the undecided British experiment, the practicability of the abolition of slavery in these states. The powers of the British parliament are unlimited, and are often described to be omnipotent. The powers of the American Congress, on the contrary, are few, cautiously limited, scrupulously excluding all that are not granted, and, above all, carefully and absolutely excluding all power over the existence or continuance of slavery in the several states. The slaves, too, upon which British legislation operated, were not in the bosom of the kingdom, but in remote and feeble colonies having no voice in parliament. The West India slaveholder was neither represented, nor representative, in that parliament. And while I most fervently wish complete success to the British experiment of West India emancipation, I confess, that I have fearful forebodings of a disastrous termination of it. Whatever it may be, I think it must be admitted, that, if the British parliament treated the West India slaves as freemen, it also treated

the West India freemen as slaves. If, instead of these slaves being separated by a wide ocean from the parent-country, three or four millions of African negro-slaves had been dispersed over England, Scotland, Wales, and Ireland, and their owners had been members of the British parliament—a case which would have presented some analogy to that of our own country—does any one believe that it would have been expedient or practicable to have emancipated them, leaving them to remain, with all their embittered feelings, in the united kingdom, boundless as the powers of the British parliament are?

"Other causes have conspired with the British example to produce the existing excitement from abolition. I say it with profound regret, but with no intention to occasion irritation here or elsewhere, that there are persons in both parts of the Union who have sought to mingle abolition with politics, and to array one portion of the Union against the other. It is the misfortune in free countries, that, in high party times, a disposition too often prevails to seize hold of everything which can strengthen the one side or weaken the other. Charges of fostering abolition designs have been heedlessly and unjustly made by one party against the other. Prior to the late election of the present president of the United States, he was charged with being an abolitionist, and abolition designs were imputed to many of his supporters. Much as I was opposed to his election, and am to his administration, I neither shared in making nor believing the truth of the charge. He was scarcely installed in office before the same charge was directed against those who opposed his election.

"Mr. President, it is not true, and I rejoice that it is not true, that either of the two great parties in this country has any designs or aim at abolition. I should deeply lament if it were true. I should consider, if it were true, that the danger to the stability of our system would be infinitely greater than any which does, I hope, actually exist. While neither party can be, I think, justly accused of any abolition tendency or purpose, both have profited, and both have been injured, in particular localities, by the accession or abstraction of abolition support. If the account were fairly stated, I believe the party to which I am opposed has profited much more, and been injured much less, than that to which I belong. But I am far, for that reason, from being disposed to accuse our adversaries of being abolitionists."

As the occasion on which this speech in the senate was delivered, was the presentation of a petition from the inhabitants of the district of Columbia, adverse to the petitions for the abolition of slavery in that district, and in the territories of the Union, Mr. Clay was forced to express his opinion on the rights of Congress to abolish slavery in the ten-miles-square under its jurisdiction, and

in the territory of Florida; and with this question was involved the domestic slave-trade, as one topic of the petitions discussed. It will be observed, that Mr. Clay approaches these questions as an interpreter of constitutional law, and not as a philanthropist. He does not decide as to how he might personally, in his own feelings, wish the case to be; but as to what he conscientiously believes to be the LAW. When Mr. John Quincy Adams freely presented petitions for the abolition of slavery in the district of Columbia, he at the same time declared his opinion, that Congress had no power to do it. Mr. Clay declared the same opinion, and gave his reasons, which were in substance, first, that the grant of power "to exercise jurisdiction in all cases whatsoever over such district," was a necessary *form* for the purposes of government. But, secondly, the intention of the parties which ceded, and the design of the party which accepted, were sacred and obligatory, neither of which contemplated such a measure. It would therefore be a violation of good faith, if done against the will of the ceding parties, Maryland and Virginia. The grant must be understood, and should be always interpreted, as having relation to the *object* of the cession *as a seat of government of the United States.* Thirdly, the government of the people of the district, on republican principles, would require, that the exercise of municipal jurisdiction, should be framed according to their will, and not according to the will of a community, or communities, foreign to them.

In regard to the abolition of slavery in the territory of Florida—it then being a territory—it was, in the first place, received into the Union, by cession from Spain, with all its municipal rights, slavery being one of them; and in the next place, it was south of the compromise line, as settled in the adjustment of the Missouri question. Admitting that Congress had power to step over these obstacles, it would be a violence to the feelings of the parties concerned, and a disturbance of the peace of the Union. It would open afresh the wounds that were healed by the Missouri compromise.

As respects the domestic slave-trade, so called, however deplorable in itself, the power given to Congress to *regulate* trade between the states, was not a power to *prohibit;* and even the power to regulate, had never been used.

After these interpretations of LAW, Mr. Clay said:—

"I will not detain the senate longer on the subject of slavery within the district and in Florida, or of the right of Congress to

prohibit the removal of slaves from one state to another. These, as I have already intimated, with ultra-abolitionists, are but so many masked batteries, concealing the real and ultimate point of attack. That point of attack is the institution of domestic slavery, as it exists in these states. It is to liberate three millions of slaves held in bondage within them."

Mr. Clay's notice of "the insurmountable obstacles," which lie in the path of these "ultra-abolitionists," was pertinent to the occasion, and forcible in its array, though now familiar to all who have given but small attention to this debate.

The tenth article of the amendments of the federal constitution, to wit: "The powers not delegated to the United States, by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people"—entirely bars the way of the abolitionists, as to their political action in the free states toward the slave states, and makes all such action an offensive interference. Another obstacle is the annihilation, at a blow, of the existing relations between three millions of slaves, to less than half the number of masters of a different race, and forcing the former into a political, civil, and social equality with the latter, reckless of consequences. A third obstacle is the annihilation, by the same blow, of twelve hundred millions of property, without indemnification. The question is not as to the moral right of such property, but as to the fact, as recognised and established by centuries of legislation, running into all the forms, relations, and ramifications of such a state of society, be it right or wrong, the best or the worst possible, or only tolerable.

The following passage of the speech, now under review, is not unworthy of a place here:—

"Mr. President, at the period of the formation of our constitution, and afterward, our patriotic ancestors, apprehended danger to the Union from two causes. One was, the Allegany mountains, dividing the waters which flow into the Atlantic ocean from those which found their outlet in the gulf of Mexico. They seemed to present a natural separation. That danger has vanished before the noble achievements of the spirit of internal improvement, and the immortal genius of Fulton. And now, nowhere is found a more loyal attachment to the Union, than among those very western people, who, it was apprehended, would be the first to burst its ties.

"The other cause, domestic slavery, happily the sole remaining cause which is likely to disturb our harmony, continues to exist. It was this, which created the greatest obstacle, and the most anx

ious solicitude, in the deliberations of the convention that adopted the general constitution. And it is this subject that has ever been regarded with the deepest anxiety by all who are sincerely desirous of the permanency of our Union. The father of his country, in his last affecting and solemn appeal to his fellow-citizens, deprecated, as a most calamitous event, the geographical divisions which it might produce. The convention wisely left to the several states the power over the institution of slavery, as a power not necessary to the plan of union which it devised, and as one with which the general government could not be invested, without planting the seeds of certain destruction. There let it remain undisturbed by any unhallowed hand.

"Sir, I am not in the habit of speaking lightly of the possibility of dissolving this happy Union. The senate knows that I have deprecated allusions, on ordinary occasions, to that direful event. The country will testify, that, if there be anything in the history of my public career worthy of recollection, it is the truth and sincerity of my ardent devotion to its lasting preservation. But we should be false in our allegiance to it, if we did not discriminate between the imaginary and real dangers by which it may be assailed. Abolition should no longer be regarded as an imaginary danger. The abolitionists, let me suppose, succeed in their present aim of uniting the inhabitants of the free states, as one man, against the inhabitants of the slave states. Union on the one side will beget union on the other. And this process of reciprocal consolidation will be attended with all the violent prejudices, embittered passions, and implacable animosities, which ever degraded or deformed human nature. A virtual dissolution of the Union will have taken place, while the forms of its existence remain. The most valuable element of union, mutual kindness, the feelings of sympathy, the fraternal bonds, which now happily unite us, will have been extinguished for ever. One section will stand in menacing and hostile array against the other. The collision of opinion will be quickly followed by the clash of arms. I will not attempt to describe scenes which now happily lie concealed from our view. Abolitionists themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man. Nor should these abolitionists flatter themselves that, if they can succeed in their object of uniting the people of the free states, they will enter the contest with a numerical superiority that must insure victory. All history and experience proves the hazard and uncertainty of war. And we are admonished by Holy Writ, that the race is not to the swift, nor the battle to the strong. But if they were to conquer, whom would they conquer? A foreign foe—one who had insulted our flag, invaded our shores, and laid our coun-

try waste? No, sir; no, sir. It would be a conquest without laurels, without glory; a self, a suicidal conquest; a conquest of brothers over brothers, achieved by one over another portion of the descendants of common ancestors, who, nobly pledging their lives, their fortunes, and their sacred honor, had fought and bled, side by side, in many a hard battle on land and ocean, severed our country from the British crown, and established our national independence.

"The inhabitants of the slave states are sometimes accused by their northern brethren with displaying too much rashness and sensibility to the operations and proceedings of abolitionists. But before they can be rightly judged, there should be a reversal of conditions. Let me suppose that the people of the slave states were to form societies, subsidize presses, make large pecuniary contributions, send forth numerous missionaries throughout all their own borders, and enter into machinations to burn the beautiful capitals, destroy the productive manufactories, and sink in the ocean the gallant ships of the northern states. Would these incendiary proceedings be regarded as neighborly and friendly, and consistent with the fraternal sentiments which should ever be cherished by one portion of the Union toward another? Would they excite no emotion? occasion no manifestations of dissatisfaction? nor lead to any acts of retaliatory violence? But the supposed case falls far short of the actual one in a most essential circumstance. In no contingency could these capitals, manufactories, and ships, rise in rebellion, and massacre inhabitants of the northern states."

Mr. Clay concludes this speech as follows:—

"If one dark spot exists on our political horizon, is it not obscured by the bright, and effulgent, and cheering light that beams all around us? Was ever a people before so blessed as we are, if true to ourselves? Did ever any other nation contain within its bosom so many elements of prosperity, of greatness, and of glory? Our only real danger lies ahead, conspicuous, elevated and visible. It was clearly discerned at the commencement, and distinctly seen throughout our whole career. Shall we wantonly run upon it, and destroy all the glorious anticipations of the high destiny that awaits us? I beseech the abolitionists themselves, solemnly to pause in their mad and fatal course. Amid the infinite variety of objects of humanity and benevolence which invite the employment of their energies, let them select some one more harmless, that does not threaten to deluge our country in blood. I call upon that small portion of the clergy, which has lent itself to these wild and ruinous schemes, not to forget the holy nature of the divine mission of the founder of our religion, and to profit by his peaceful examples. I entreat that portion of my countrywomen, who have given their

countenance to abolition, to remember, that they are ever most loved and honored when moving in their own appropriate and delightful sphere; and to reflect that the ink which they shed in subscribing with their fair hands abolition petitions, may prove but the prelude to the shedding of the blood of their brethren. I adjure all the inhabitants of the free states to rebuke and discountenance, by their opinion and their example, measures which must inevitably lead to the most calamitous consequences. And let us all, as countrymen, as friends, and as brothers, cherish, in unfading memory, the motto which bore our ancestors triumphantly through all the trials of the revolution, as, if adhered to, it will conduct their posterity through all that may, in the dispensations of Providence, be reserved for them."

It has been thought, that the best test of Mr. Clay's feelings, and the best definition of his position, on the question of slavery, would be given, by such extracts, as have been made in this chapter, from his own speeches on different occasions, and at remote periods, of his life. His *feelings* are read, when he speaks of slavery in the abstract—so far as a sensible man can so speak of it—unconnected with the political fabric of the country. These, it is believed, are such, as will be satisfactory to the strongest antislavery man in the republic. No man has ever expressed himself in stronger terms against slavery, than are found in some of the foregoing passages of Mr. Clay's speeches. But when he is called, as a public man, a statesman, and a patriot, to encounter the mad career and destructive tendency of modern political abolition, he rushes to the defence of the constitution, and throws his shield between the nation's charter and its assailants.

In reply to those, who may ask, why has not Mr. Clay liberated his own slaves, if he is in heart opposed to slavery?—it may be said, that, as a public man, he could not disregard his position, acting discreetly for the greatest good. Instead of separating from society, by acts and reasons therefor assigned, which would rebuke and offend, and thus destroy his influence, it may reasonably be supposed, that his aim has been to act with society, and carry society along with him, in all his efforts for reform, social and political. The following remarks of Mr. Clay, to Mr. Mendenhall, are pertinent to this point:—

"Without any knowledge of the relation in which I stand to my slaves, or their individual condition, you, Mr. Mendenhall, and your associates, who have been active in getting up this petition, call upon me forthwith to liberate the whole of them. Now let me

tell you, that some half a dozen of them, from age, decreptitude, or infirmity, are wholly unable to gain a livelihood for themselves, and are a heavy charge upon me. Do you think that I should conform to the dictates of humanity by ridding myself of that charge, and sending them forth into the world, with the boon of liberty, to end a wretched existence in starvation? Another class is composed of helpless infants, with or without improvident mothers. Do you believe, as a Christian, that I should perform my duty toward them by abandoning them to their fate? Then there is another class who would not accept their freedom, if I would give it to them. I have for many years owned a slave that I wished would leave me, but he will not. What shall I do with that class?

"What my treatment of my slaves is you may learn from Charles, who accompanies me on this journey, and who has travelled with me over the greater part of the United States, and in both the Canadas, and has had a thousand opportunities, if he had chosen to embrace them, to leave me. Excuse me, Mr. Mendenhall, for saying, that my slaves are as well fed and clad, look as sleek and hearty, and are quite as civil and respectful in their demeanor, and as little disposed to wound the feelings of any one, as you are.

* * * * * * *

"I shall, Mr. Mendenhall, take your petition into respectful and deliberate consideration; but, before I come to a final decision, I should like to know what you and your associates are willing to do for the slaves in my possession, if I should think proper to liberate them. I own about fifty, who are probably worth fifteen thousand dollars. To turn them loose upon society, without any means of subsistence or support, would be an act of cruelty. Are you willing to raise and secure the payment of fifteen thousand dollars for their benefit, if I should be induced to free them? The security of the payment of that sum would materially lessen the obstacle in the way of their emancipation."

Mr. Clay, manifestly, does not believe, that slavery can be easily or soon removed from this country; he does not believe, that the European and African races can ever be amalgamated in blood, or in society, or that such is the design of Providence; but his theory of relief from the evils of the present relations between the white and black population of this country, seems to contemplate a protracted period of patient endurance, wise legislation, humane treatment, and the application of such discreet and healing remedies, as shall, from time to time, be disclosed. He believes, evidently, that a cure will be found—that the great solvent of the problem will yet transpire. But he has no faith in the hasty and rash proposals of inexperienced novices.

It is manifest, that the new movement, commonly, and with strict propriety, called political abolition, has done infinite harm to the cause of emancipation, and put it backward for a great length of time. The federal constitution is an insuperable obstacle to such a scheme; or it must bend, break, and fall before it. Both can not stand and prosper. If the attachments of the people of the United States to that sacred instrument, are sufficient to maintain it, this storm that has been raised against it will die away, and those who alone are entitled, by the terms of that charter, to take the subject of emancipation in hand for political action, will doubtless return to it again, when no longer assailed by foreign interference. But they have been driven from that work in self-defence, and the known principles of human nature clearly indicate, that they are not likely to consent to emancipation in any form, till they are permitted to do it of their own accord, and in their own way, as other of the original states have done. Possibly it may be forced upon them; but not without evils infinitely more fearful than that which it is designed to remedy; not, probably, without disappointing its own design, aggravating the bondage it would break—such has been the effect already—overturning the government and institutions of the country, and erecting a despotism over the white, as well as over the black race. They who agitate for a revolution, instead of reforming society by peaceable modes, know not what they do.

CHAPTER XI.

THE ADVOCATE OF UNIVERSAL FREEDOM.

When Mr. Clay made a defence in the senate, in 1810, of President Madison's act of extending the jurisdiction of the United States, eastward from the Mississippi, to the river Perdido, against the claims of Spain, France being implicated as a party, he said:—

"Believing, as I do, that our title against both powers is indisputable, under the treaty of St. Ildefonso, between Spain and France, and the treaty between the French republic and the United States, I shall not inquire into the treachery, by which the king of Spain is alleged to have lost his crown; nor shall I stop to discuss the question involved in the overthrow of the Spanish monarchy, and how far the power of Spain ought to be considered as merged in that of France. I shall leave the honorable gentleman from Delaware [Mr. Horsey] to mourn over the fortunes of the fallen Charles. *I have no commiseration for princes. My sympathies are reserved for the great mass of mankind, and I own that the people of Spain have them most sincerely.*"

Here, it will be observed, is an incidental utterance of a broad and comprehensive sentiment: "I HAVE NO COMMISERATION FOR PRINCES. MY SYMPATHIES ARE RESERVED FOR THE GREAT MASS OF MANKIND."

If the South American states, Greece, and other nations, that have been struggling for freedom since Mr. Clay came upon the public stage, have failed, as yet, to attain to all that was most desirable, this disappointment does not detract from the virtue of those who sympathized with their condition under the despotism to which they were subjected, and who made generous efforts in their behalf. The South American states are most of them actually free—all are free from European domination, and have made approximations toward freedom in its most important sense. Since the Spanish colonies acquired their independence, it has been a subject of congratulation among all lovers of freedom throughout the world; and it is a characteristic of Great Britain, claiming, as

she usually does, a monopoly of credit for philanthropy, and after having found it politic, for her own commercial objects, to acknowledge the independence of the revolted Spanish colonies, that the members of her government should claim to have taken lead in prompting and instrumentally securing that independence. But as it is not easy to revert the order of time, and make history read backward, such pretensions may gain some credit for assurance, but will be in an awkward position as regards truth. The order of events, in these annals, stands thus: Mr. Clay's efforts prevailed in 1820, in the shape of a resolution, to authorize the president to send ministers "to any of the governments of South America, which have established, and are maintaining their independence." In 1822, their independence was formally recognised by Congress; and the first act of recognition of any of those states by the British government, was in 1824. The fact was, that Great Britain never did anything to *promote* the independence of the South American states, and she acknowledged it only when it was necessary to secure a market for her manufactures. The following letter will place this question in its true light:—

"WASHINGTON, *June* 23, 1827.

"MY DEAR SIR: I have just read Lord Grey's speech, and can not resist the desire I feel to send it to you. You will recognise in it sentiments I have expressed as regards Mr. Canning and the new South American states. If Earl Grey had been better informed, he would have said, that it was YOU who did most to call them into being. I say this in no idle spirit of praise, having always, abroad and at home, expressed the opinion, that, next to their own exertions, the South-Americans owe to you more than to any other man in either hemisphere, their independence, you having led the way to our acknowledgment of it. This is truth; this is history. Without our acknowledgment, England would not have taken the step to this day. This is my belief. I give Mr. Canning no credit for the part he acted. It was forced upon him by our lead, which he never had the magnanimity to avow, but strove to claim all the merit for England, or rather for himself.

"RICHARD RUSH.

"Mr. CLAY."

In 1826, Mr. Canning said, in the British house of commons:—

"I admit that the entry of the French army into Spain, was a disparagement to Great Britain. Do you think, that for this disparagement to England, we have not been compensated? I

looked, sir, at Spain, by another name than Spain. I looked upon that power as Spain and the *Indies*. I looked at the *Indies, and there I have called a new world into existence!*"

But the dates already cited cast a very strong light on this assurance.

The character of Mr. Rush as a resident minister of the United States at the court of London, and in other respects, supersedes the necessity of further evidence on this point, and presents Mr. Clay in his true position, in relation to the earliest friendly efforts, in any high and influential quarter of the civilized world, for the extension of freedom over South America; and the fact of his having occupied this position in relation to those nations, and to that quarter of the world, is exactly coincident with the uniform character of his feelings toward all other nations and all other parts of the world: "I HAVE NO COMMISERATION FOR PRINCES. MY SYMPATHIES ARE RESERVED FOR THE GREAT MASS OF MANKIND."

It would have been unexpected, that the government of the United States, as such, should have proved so dilatory in its expressions of kind feeling toward the Spanish colonies in America, in their early struggles for freedom; much more, that it should have been disposed so to interpret the duties of neutrality, as to be willing to put impediments in their path, and prevent their purchasing vessels from private citizens of the United States, at the instance of the Spanish minister at Washington, because he imagined (it might be true) that they were designed for hostilities against the mother-country. President Madison, it seems, was so far influenced as to send a message to Congress, December 26, 1816, recommending a law to enable the executive to *enforce* neutrality; in other words, to prevent ships being built at Fell's Point, Baltimore, as was *supposed*, to the order and for the use of the rebellious Spanish colonies; and a bill was accordingly reported to that effect by Mr. Forsyth, of Georgia, chairman of the committee of foreign relations in the house of representatives. While this bill was under debate, January 24, 1817, Mr. Clay said:—

"As long as the government abstained from taking any part in the contest now carrying on in the southern part of this continent, it is unquestionably its duty to maintain a strict neutrality. On that point there was and could be no difference of opinion. It ought not, however, to be overlooked, that the two parties stood with this government on unequal ground. One of them had an accredited minister here, to watch over its interests, and to remo-

strate against any acts of which it might complain ; while the other, being wholly unrepresented, had no organ through which to communicate its grievances. This inequality of condition in the contending parties, imposed upon us the duty of great circumspection and prudence in what we might do.

" Whenever a war exists, whether between two independent states, or between parts of a common empire, he knew of but two relations in which other powers could stand toward the belligerents : the one was that of neutrality, and the other that of a belligerent.

" Being then in a state of neutrality respecting the contest, and bound to maintain it, the question was, whether the provisions of the bill were necessary to the performance of that duty ? It will be recollected that we have an existing law, directed against armaments, such as are described in the bill. That law was passed in 1794. It was intended to preserve our neutrality in the contest between France and her enemies. The circumstances under which it was passed, must be yet fresh in our recollection. The French revolution had excited a universal enthusiasm in the cause of liberty. The flame reached this country, and spread with electric rapidity throughout the continent. There was not a state, county, city, or village, exempted from it. An ardent disposition to enter into the conflict, on the side of France, was everywhere felt. General Washington thought it the interest of this country to remain neutral, and the law of 1794 was enacted, to restrain our citizens from taking part in the contest. If that law had been effectual to preserve the neutrality of this country, during the stormy period of the French revolution, we ought to pause before we assent to the adoption of new penalties and provisions. If the law did not reach the case (which he understood to be doubtful from some judicial decisions), he was willing to legislate so far as to make it comprehend it. Further than that, as at present advised, he was not willing to go.

" But the present bill not only went further, but, in his judgment, contained provisions not demanded of us by our neutral duties. It contained two principles not embraced by the law of 1794. The first was, the requisition of a bond from the owners of armed vessels, that persons, to whom they might sell these vessels, should not use them in the contest. The second was, the power vested in the collectors to seize and detain, under certain circumstances, any such vessels. Now, with regard to the first provision, it is not denied that an armed vessel may be lawfully sold by an American citizen to a foreign subject, other than a subject of Spain. But on what ground is it possible, then, to maintain, that it is the duty of the American citizen to become responsible for the subsequent use which may be made of such vessel by the foreign subject ? We are bound to take care that our own citizens do not violate our

neutrality, but we are under no such obligation as it respects the subjects of foreign powers. It is the business of those foreign powers to guard the conduct of their own subjects. If it be true, as he had heard it asserted, that Fell's Point exhibits an activity in hostile preparation, not surpassed during the late war, we had enough to do with our own citizens. It was not incumbent upon us, as a neutral power, to provide, after a legal sale had been made of an armed vessel to a foreign subject, against any illegal use of the vessel.

"Gentlemen have contended, that this bill ought to be considered as intended merely to enforce our own laws—as a municipal regulation, having no relation to the war now existing. It was impossible to deceive ourselves, as to the true character of the measure. Bestow on it what denomination you please, disguise it as you may, it is a law, and will be understood by the whole world as a law, to discountenance any aid being given to the South American colonies in a state of revolution against the parent-country. With respect to the nature of that struggle, he had not now, for the first time, to express his opinion and his wishes. An honorable gentleman from Virginia [Mr. Sheffey] had said, the people of South America were incapable, from the ignorance and superstition which prevail among them, of achieving independence or enjoying liberty. And to what cause is that ignorance and superstition owing? Was it not to the vices of their government? to the tyranny and oppression, hierarchical and political, under which they groaned? If Spain succeeded in riveting their chains upon them, would not that ignorance and superstition be perpetuated? In the event of that success, he feared the time would never arrive, when the good wishes of the honorable gentleman from Virginia would be conciliated in behalf of that oppressed and suffering people. For his part, he wished their independence. It was the first step toward improving their condition. Let them have free government, if they be capable of enjoying it; but let them have, at all events, independence. Yes, from the inmost recesses of my soul, I wish them independence. I may be accused of an imprudent utterance of my feelings, on this occasion. I care not: when the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbors, our brethren, occupying a portion of the same continent, imitating our example, and participating of the same sympathies with ourselves, I will boldly avow my feelings and my wishes in their behalf, even at the hazard of such an imputation."

It will be seen by the above citation, that this was not the first time that Mr. Clay had "expressed his opinion and wishes with respect to the nature and object of that struggle."

In Mr. Monroe's first annual message, of December, 1817, he

said. "Through every stage of the conflict [between Spain and her colonies], the United States have maintained an impartial neutrality. They have regarded the contest, not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having, as to neutral powers, equal rights." This, obviously, was so far favorable to the colonies. When this part of the message was to be referred, by resolution, Mr. Clay moved the following amendment:—

"And that the said committee be instructed to inquire, whether any, and, if any, what provisions of law are necessary to insure, to the American colonies of Spain, a just observance of the duties incident to the neutral relation in which the United States stand, in the existing war between them and Spain."

The reason of this amendment was stated by Mr. Clay, as follows:—

"That nine or ten British disbanded officers had formed in Europe the resolution to unite themselves with the Spanish patriots in the contest existing between them and Spain; that, to carry into effect this intention, they had sailed from Europe, and in their transit to South America, had touched at the port of Philadelphia; that during their residence in Philadelphia, wearing perhaps the arms and habiliments of military men, making no disguise of their intention to participate in the struggle, they took passage in a vessel bound to some port in South America; that a knowledge of this fact having come to the ears of the public authorities, or, perhaps, at the instigation of some agent of the Spanish government, a prosecution was commenced against these officers, who, from their inability to procure bail, were confined in prison. * * * * * * *

"Other cases had occurred, in which it appeared to him it became the Congress to interpose its authority. Persons sailing under the flag of the provinces had been arraigned in our courts, and tried for piracy; in one case, after having been arraigned, tried, and acquitted of piracy, the same individuals, on the instigation of a Spanish officer or agent, had been again arraigned for the same offence.

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"Let us recollect the condition of the patriots: no minister here to spur on our government, as was said in an interesting, and, it appeared to him, a very candid work, recently published in this country, respecting the progress of the South American revolution; no minister here to be rewarded by noble honors, in consequence of the influence he is supposed to possess with the American government. No; their unfortunate case was what ours had

been, in the years 1778 and 1779; their ministers, like our Franklins and Jays at that day, were skulking about Europe, imploring inexorable legitimacy for one kind look—some aid to terminate a war afflicting to humanity. Nay, their situation was worse than ours: for we had one great and magnanimous ally to recognise us, but no nation had stepped forward to acknowledge any of these provinces. Such disparity between the parties demanded a just attention to the interests of the party which was unrepresented; and if the facts which he had mentioned, and others which had come to his knowledge, were correct, they loudly demanded the interposition of Congress. He trusted the house would give the subject their attention, and show that here, in this place, the obligations of neutrality would be strictly regarded in respect to South America."

This amendment was carried without opposition.

In the summer of 1817, President Monroe appointed three commissioners, Messrs. Rodney, Graham, and Bland, to proceed to South America, to obtain information of the actual condition and political prospects of the Spanish provinces, which were contending for independence; and when the appropriation to defray the expenses of these missions came up for consideration at the next session of Congress, the house being in committee, March 24, 1818, Mr. Clay moved to amend the bill by adding: "And 'for one year's salary and an outfit to a minister to the *United Provinces* of *Rio de La Plata*, the salary to commence, and the outfit to be paid, whenever the president shall deem it expedient to send a minister to the said United Provinces, a sum not exceeding eighteen thousand dollars.'"

It will be perceived, that this amendment amounted to a recognition of the independence of those provinces, and went to provide for the support of a minister there, being virtually a law of instructions and authority for the president to act upon. It was a step—a large step in advance, not only of the country and of the government, but of the whole civilized world. The daring philanthropy of this proposal presents a spectacle of moral sublimity, which, the longer it stands in history, will be the more admired. By his argument on this occasion, Mr. Clay brought friends to his support; but he was ALONE in originating the movement.

"I rise, said Mr. Clay, under feelings of deeper regret than I have ever experienced on any former occasion, inspired, principally, by the painful consideration, that I find myself, on the proposition which I meant to submit, differing from many highly-esteemed friends, in and out of this house, for whose judgment I

entertained the greatest respect. A knowledge of this circumstance has induced me to pause; to subject my own convictions to the severest scrutiny, and to revolve the question over and over again. But all my reflections have conducted me to the same clear result; and, much as I value those friends, great as my deference is for their opinions, I can not hesitate, when reduced to the distressing alternative of conforming my judgment to theirs, or pursuing the deliberate and mature dictates of my own mind. I enjoy some consolation, for the want of their co-operation, from the persuasion that, if I err on this occasion, I err on the side of the liberty and happiness of a large portion of the human family. Another, and, if possible, indeed a greater source of the regret to which I refer, is the utter incompetency, which I unfeignedly feel, to do anything like adequate justice to the great cause of American independence and freedom, whose interests I wish to promote by my humble exertions in this instance. Exhausted and worn down as I am, by the fatigue, confinement, and incessant application, incident to the arduous duties of the honorable station I hold, during a four months' session, I shall need all that kind indulgence which has been so often extended to me by the house.

"I beg, in the first place, to correct misconceptions, if any exist, in regard to my opinions. I am averse to war with Spain, or with any power. I would give no just cause of war to any power—not to Spain herself. I have seen enough of war, and of its calamities, even when successful. No country upon earth has more interest than this in cultivating peace and avoiding war, as long as it is possible honorably to avoid it. Gaining additional strength every day; our numbers doubling in periods of twenty-five years; with an income outstripping all our estimates, and so great, as, after a war in some respects disastrous, to furnish results which carry astonishment, if not dismay, into the bosom of states jealous of our rising importance; we have every motive for the love of peace. I can not, however, approve, in all respects, of the manner in which our negotiations with Spain have been conducted. If ever a favorable time existed for the demand, on the part of an injured nation, of indemnity for past wrongs from the aggressor, such is the present time. Impoverished and exhausted at home, by the wars which have desolated the peninsula; with a foreign war, calling for infinitely more resources, in men and money, than she can possibly command, this is the auspicious period for insisting upon justice at her hands, in a firm and decided tone. Time is precisely what Spain now most wants. Yet what are we told by the president, in his message at the commencement of Congress? That Spain had procrastinated, and we acquiesced in her procrastination. And the secretary of state, in a late communication with Mr. Onis, after ably vindicating all our rights, tells the

Spanish minister, with a good deal of *sang froid*, that we had patiently waited thirteen years for a redress of our injuries, and that it required no great effort to wait longer! I would have abstained from thus exposing our intentions. Avoiding the use of the language of menace, I would have required, in temperate and decided terms, indemnity for all our wrongs; for the spoliations of our commerce; for the interruption of the right of depot at New Orleans, guarantied by treaty; for the insults repeatedly offered to our flag; for the Indian hostilities, which she was bound to prevent; for belligerent use made of her ports and territories, by our enemy, during the late war; and the instantaneous liberation of the free citizens of the United States, now imprisoned in her jails. Contemporaneous with that demand, without waiting for her final answer, and with a view to the favorable operation on her councils in regard to our own peculiar interests, as well as in justice to the cause itself, I would recognise any established government in Spanish America. I would have left Spain to draw her own inferences from these proceedings, as to the ultimate step which this country might adopt, if she longer withheld justice from us. And if she persevered in her iniquity, after we have conducted the negotiation in the manner I have endeavored to describe, I would then take up and decide the solemn question of peace or war, with the advantage of all the light shed upon it, by subsequent events, and the probable conduct of Europe."

The following sentiment, incidentally dropped in this debate, deprecating war, is fit for any place:—

"War is one of those dreadful scourges, that so shakes the foundations of society, overturns or changes the character of governments, interrupts or destroys the pursuits of private happiness, brings, in short, misery and wretchedness in so many forms, and at last is, in its issue, so doubtful and hazardous, that nothing but dire necessity can justify an appeal to arms.

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"If we are to be involved in a war with Spain, let us have the credit of disinterestedness. Let us put her yet more in the wrong. Let us command the respect which is never withheld from those who act a noble and generous part. I hope to communicate to the committee the conviction which I so strongly feel, that the adoption of the amendment which I intend to propose, would not hazard, in the slightest degree, the peace of the country. But if that peace is to be endangered, I would infinitely rather it should be for our exerting the right appertaining to every state, of acknowledging the independence of another state, than for the seizure of a province [Florida], which, sooner or later, we must certainly acquire.

"In contemplating the great struggle in which Spanish America is now engaged, our attention is first fixed by the immensity and

character of the country which Spain seeks again to subjugate. Stretching on the Pacific ocean, from about the fortieth degree of north latitude to about the fifty-fifth degree of south latitude, and extending from the mouth of the Rio del Norte (exclusive of East Florida), around the gulf of Mexico, and along the South Atlantic to near Cape Horn; it is about five thousand miles in length, and in some places near three thousand in breadth. Within this vast region we behold the most sublime and interesting objects of creation: the loftiest mountains, the most majestic rivers, in the world; the richest mines of the precious metals, and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime—the glorious spectacle of eighteen millions of people, struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the viceroyalty of Mexico on the south; passing by Guatemala, we reach the viceroyalty of New Grenada, the late captain-generalship of Venezuela, and Guiana, lying on the east side of the Andes. Stepping over the Brazils, we arrive at the United Provinces of La Plata; and crossing the Andes, we find Chili on their west side, and, further north, the viceroyalty of Lima, or Peru. Each of these several parts is sufficient in itself, in point of limits, to constitute a powerful state; and, in point of population, that which has the smallest, contains enough to make it respectable. Throughout all the extent of that great portion of the world, which I have attempted thus hastily to describe, the spirit of revolt against the dominion of Spain has manifested itself. The revolution has been attended with various degrees of success in the several parts of Spanish America. In some it has been already crowned, as I shall endeavor to show, with complete success, and in all I am persuaded that independence has struck such deep root, that the power of Spain can never eradicate it. What are the causes of this great movement?

"Three hundred years ago, upon the ruins of the thrones of Montezuma and the incas of Peru, Spain erected the most stupendous system of colonial despotism that the world has ever seen—the most vigorous, the most exclusive. The great principle and object of this system has been, to render one of the largest portions of the world exclusively subservient, in all its faculties, to the interests of an inconsiderable spot in Europe. To effectuate this aim of her policy, she locked up Spanish America from all the rest of the world, and prohibited, under the severest penalties, any foreigner from entering any part of it. To keep the natives themselves ignorant of each other, and of the strength and resources of the several parts of her American possessions, she next prohibited

the inhabitants of one viceroyalty or government from visiting those of another; so that the inhabitants of Mexico, for example, were not allowed to enter the viceroyalty of New Grenada. The agriculture of those vast regions was so regulated and restrained, as to prevent all collision with the agriculture of the peninsula. Where nature, by the character and composition of the soil, had commanded, the abominable system of Spain has forbidden, the growth of certain articles. * * * * * * * Wherever in America her sway extends, everything seems to pine and wither beneath its baneful influence. The richest regions of the earth: man, his happiness and his education, all the fine faculties of his soul, are regulated, and modified, and moulded, to suit the execrable purposes of an inexorable despotism.

"Such is a brief and imperfect picture of the state of things in Spanish America, in 1808, when the famous transactions of Bayonne occurred. The king of Spain and the Indies (for Spanish America has always constituted an integral part of the Spanish empire) abdicated his throne and became a voluntary captive. Even at this day, one does not know whether he should most condemn the baseness and perfidy of the one party, or despise the meanness and imbecility of the other. If the obligation of obedience and allegiance existed on the part of the colonies to the king of Spain, it was founded on the duty of protection which he owed them. By disqualifying himself for the performance of this duty, they became released from that obligation. The monarchy was dissolved; and each integral part had a right to seek its own happiness, by the institution of any new government adapted to its wants. Joseph Bonaparte, the successor *de facto* of Ferdinand, recognised this right on the part of the colonies, and recommended them to establish their independence. Thus, upon the ground of strict right—upon the footing of a mere legal question, governed by forensic rules, the colonies, being absolved by the acts of the parent-country from the duty of subjection to it, had an indisputable right to set up for themselves. But I take a broader and bolder position. I maintain, that an oppressed people are authorized, whenever they can, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. Vattel, if authority were wanting, expressly supports this right. We must pass sentence of condemnation upon the founders of our liberty, say that they were rebels, traitors, and that we are at this moment legislating without competent powers, before we can condemn Spanish America. Our revolution was mainly directed against the mere theory of tyranny. We had suffered comparatively but little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that were to follow. They rose; they breasted the storm·

they achieved our freedom. Spanish America for centuries has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.

"I am no propagandist. I would not seek to force upon other nations our principles and our liberty, if they do not want them. I would not disturb the repose even of a detestable despotism. But, if an abused and oppressed people will their freedom; if they seek to establish it; if, in truth, they have established it; we have a right, as a sovereign power, to notice the fact, and to act as circumstances and our interest require. I will say, in the language of the venerated father of my country, 'born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom.' Whenever I think of Spanish America, the image irresistibly forces itself upon my mind, of an elder brother, whose education has been neglected, whose person has been abused and maltreated, and who has been disinherited by the unkindness of an unnatural parent. And, when I contemplate the glorious struggle which that country is now making, I think I behold that brother rising, by the power and energy of his fine native genius, to the manly rank which nature, and nature's God, intended for him.

"If Spanish America be entitled to success from the justness of her cause, we have no less reason to wish that success, from the horrible character which the royal arms have given to the war. More atrocities, than those which have been perpetrated during its existence, are not to be found, even in the annals of Spain herself. And history, reserving some of her blackest pages for the name of Morillo, is prepared to place him by the side of his great prototype, the infamous desolator of the Netherlands. He who has looked into the history of the conduct of this war, is constantly shocked at the revolting scenes which it portrays; at the refusal, on the part of the commanders of the royal forces, to treat, on any terms, with the other side; at the denial of quarters; at the butchery, in cold blood, of prisoners; at the violation of flags in some cases, after being received with religious ceremonies; at the instigation of slaves to rise against their owners; and at acts of wanton and useless barbarity. Neither the weakness of the other sex, nor the imbecility of infants, nor the reverence due to the sacerdotal character, can stay the arm of royal vengeance."

To support the right of his position, and the truth of his statements, Mr. Clay cites the MANIFESTO of the United Provinces of Rio de La Plata, published in October, 1817, a document precisely the same in character with the declaration of American independence of 1776; and the injuries and atrocities recited as

ground of action, are horrible to contemplate. Mr. Clay then proceeds :—

"In the establishment of the independence of Spanish America, the United States have the deepest interest. I have no hesitation in asserting my firm belief, that there is no question in the foreign policy of this country, which has ever arisen, or which I can conceive as ever occurring, in the decision of which we have had or can have so much at stake. This interest concerns our politics, our commerce, our navigation. There can not be a doubt that Spanish America, once independent, whatever may be the form of the governments established in its several parts, these governments will be animated by an American feeling and guided by an American policy. They will obey the laws of the system of the new world, of which they will compose a part, in contradistinction to that of Europe. Without the influence of that vortex in Europe, the balance of power between its several parts, the preservation of which has so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of the globe, as a calm, if not a cold and indifferent spectator. In relation to those wars, the several parts of America will generally stand neutral. And as, during the period when they rage, it will be important that a liberal system of neutrality should be adopted and observed, all America will be interested in maintaining and enforcing such a system. The independence of Spanish America, then, is an interest of primary consideration. Next to that, and highly important in itself, is the consideration of the nature of their governments. That is a question, however, for themselves. They will, no doubt, adopt those kinds of governments which are best suited to their condition, best calculated for their happiness. Anxious as I am that they should be free governments, we have no right to prescribe for them. They are, and ought to be, the sole judges for themselves. I am strongly inclined to believe that they will in most, if not all parts of their country, establish free governments. We are their great example. Of us they constantly speak as of brothers, having a similar origin. They adopt our principles, copy our institutions, and, in many instances, employ the very language and sentiments of our revolutionary papers. * * * * * * *

"But it is sometimes said, that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of the real condition of that people. I deny the alleged fact of ignorance; I deny the inference from that fact, if it were true, that they want capacity for free government; and I refuse assent to the further conclusion, if the fact were true, and the inference just, that we are to be indifferent to their fate. All the

writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America great quickness, genius, and particular aptitude for the acquisition of the exact sciences, and others which they have been allowed to cultivate. In astronomy, geology, mineralogy, chymistry, botany, and so forth, they are allowed to make distinguished proficiency. They justly boast of their Abzate, Velasques, and Gama, and other illustrious contributors to science. They have nine universities, and in the city of Mexico, it is affirmed by Humboldt, that there are more solid scientific establishments than in any city even of North America. I would refer to the message of the supreme director of La Plata, which I shall hereafter have occasion to use for another purpose, as a model of fine composition of a state paper, challenging a comparison with any, the most celebrated, that ever issued from the pens of Jefferson or Madison. Gentlemen will egregiously err, if they form their opinions of the present moral condition of Spanish America, from what it was under the debasing system of Spain. The eight years' revolution in which it has been engaged, has already produced a powerful effect. Education has been attended to, and genius developed.

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"It is the doctrine of thrones, that man is too ignorant to govern himself. Their partisans assert his incapacity, in reference to all nations; if they can not command universal assent to the proposition, it is then demanded as to particular nations; and our pride and our presumption too often make converts of us. I contend, that it is to arraign the dispositions of Providence himself, to suppose that he has created beings incapable of governing themselves, and to be trampled on by kings. Self-government is the natural government of man, and for proof, I refer to the aborigines of our own land. Were I to speculate in hypotheses unfavorable to human liberty, my speculations should be founded rather upon the vices, refinements, or density of population. Crowded together in compact masses, even if they were philosophers, the contagion of the passions is communicated and caught, and the effect too often, I admit, is the overthrow of liberty. Dispersed over such an immense space as that on which the people of Spanish America are spread, their physical, and I believe also their moral condition, both favor their liberty.

"With regard to their superstition, they worship the same God with us. Their prayers are offered up in their temples to the same Redeemer, whose intercession we expect to save us. Nor is there anything in the catholic religion unfavorable to freedom. All religions united with government, are more or less inimical to liberty. All, separated from government, are compatible with liberty. If the people of Spanish America have not already gone as far in religious toleration as we have, the difference in their condition

from ours should not be forgotten. Everything is progressive, and in time, I hope to see them imitating, in this respect, our example. But grant that the people of Spanish America are ignorant, and incompetent for free government, to whom is that ignorance to be ascribed? Is it not to the execrable system of Spain, which she seeks again to establish and to perpetuate? So far from chilling our hearts, it ought to increase our solicitude for our unfortunate brethren. It ought to animate us to desire the redemption of the minds and the bodies of unborn millions, from the brutifying effects of a system, whose tendency is to stifle the faculties of the soul, and to degrade man to the level of beasts. I would invoke the spirits of our departed fathers. Was it for yourselves only that you nobly fought? No, no! It was the chains that were forging for your posterity, that made you fly to arms, and scattering the elements of these chains to the winds, you transmitted to us the rich inheritance of liberty."

Mr. Clay proceeds to show the vast commercial advantages that would result to the United States, from the recognition of the independence of Spanish America—not that he proposed to act on this sordid principle—but to meet the argument of opponents based upon it. It appears by official documents, that the foreign trade of the United States with the American family of nations, states, and colonies, for the year ending June 30, 1844, is at least one quarter of the foreign trade with all the rest of the world.

Nevertheless, though the argument on this point was abundantly strong, with less information than can now be obtained, which greatly strengthens it, to show how much Mr. Clay rose above the influence of such considerations, he says: "There is something so narrow, and selfish, and grovelling, in this argument, something so unworthy the magnanimity of a great and a generous people, that I confess I have scarcely patience to notice it." The following isolated statement, incidentally thrown in, is worthy of profound reflection, and will naturally lead to it:—

"I see, and I own it with infinite regret, a tone and a feeling in the councils of the country, infinitely below that which belongs to the country. It is, perhaps, the moral consequence of the exertions of the late war. We are alarmed at dangers, we know not what; by spectres conjured up by our own vivid imaginations.

"The West India bill is brought up. We shrug our shoulders, talk of restrictions, non-intercourse, embargo, commercial welfare, make long faces, and—postpone the bill. The time will however come, must come, when this country will not submit to a commerce with the British colonies, upon the terms which England

alone prescribes. And I repeat, when it arrives, Spanish America will afford us an ample substitute."

It will not be out of place to pause here, and contemplate for a moment the spectacle presented, of a solitary individual, occupying such a position, pleading such a cause, in advance of his own country, of his own government, of all around him, of the whole civilized world, of the age. "He looked upon Spain and the Indies;" and what did he find to be their relations and condition? It is already told. "The Indies," numbering some twenty millions of people, had declared for freedom against the most oppressive and most inhuman despotism that the world ever knew; they had succeeded, in nearly all quarters, in driving the forces of Spain from their soil; they occupied a most favorable position, geographically and politically, for maintaining independence and establishing free institutions; they were compelled to do so, or fall back under a government that would be a thousand times more aggravated in its character than the atrocities which had before been committed; they were poor (how could it be otherwise?), alleged to be ignorant (who could blame them for that?), and accused of superstition (how could they get rid of it under Spain?); they were remote from other portions of the civilized world, and few cared for them; they occupied nature's most fruitful garden, and were surrounded by her prodigal magnificence; rich in the Creator's best gifts, but most abused by man's worst vice, the lust of empire; invoking and requiring nothing but the costless aid of sympathy, but stretching out their hands to Europe, whence they came, in vain for such a boon; it was the interest of the governments of Europe, in support of the claims of a tottering legitimacy, to see them resubjugated; and their only hope was turned to the NORTH—to their brethren of the United States. And what did they get there? The answer is found in a short speech of Mr. Clay, at a dinner in Lexington, June 7, 1820:—

"The executive had deemed it proper to pay some regard to the views and wishes of other nations, while his [Mr. Clay's] desire had been to pursue a course exclusively American, uninfluenced by the policy of my Lord Castlereagh, Count Nesselrode, or any other of the great men of Europe. The executive had been endeavoring, by negotiation, to procure a simultaneous acknowledgment by the European powers and ourselves, of the independence of South America, while he [Mr. Clay] had been anxious that we should act without delay, and without concert with other nations."

It will be seen, therefore, that in this great cause, Mr. Clay stood alone, the advocate of freedom for twenty millions of the human family, occupying about one third of the American continent, the most beautiful, the most prolific, and the grandest, which the sun ever shone upon. And he came boldly forward when they had need of help—when the slightest aid, from such a quarter, might be of the greatest importance. Europe paused; the government of the United States paused; the world paused; when the liberties of a third of this western world were pending; but one man, sitting in the councils of the North American republic, and presiding over one of the branches of its legislature, DID NOT PAUSE.

It was maintained in this debate, in opposition to Mr. Clay, that recognition is cause of war. Mr. Clay acknowledged, that, "with aid, it is—not because of the recognition, but because of the aid—as aid, without recognition, is cause of war. The truth of these propositions I will maintain upon principle, by the practice of other states, and by the usage of our own. There is no common tribunal among nations, to pronounce upon the fact of the sovereignty of a new state. Each power does, and must judge for itself. It is an attribute of sovereignty so to judge. A nation, in exercising this incontestable right, in pronouncing upon the independence, in fact, of a new state, takes no part in the war."

What was to be done? Were the United States, was the world, to wait for Spain to acknowledge the independence of her revolted provinces? It was eighty years before she acknowledged the independence of the "United Provinces," though they had been received into the family of nations by the rest of Europe. Spain did not declare war against England, under Queen Elizabeth, till this princess had given aid to Holland. In the case of the American revolution, it was not till France had given aid to the colonies, that England declared war against France; and it was solely on account of such aid—not for diplomatic relations and intercourse. It was not till Holland was about to enter into a treaty with the North American colonies, during the revolution, that England declared war. The United States had always acted on the principle of recognising the government *de facto*, of any nation, without regard to *de jure* claims from any quarter. Presidents Washington, Jefferson, and Madison, acted on this principle. In the case of the French republic, President Washington did not wait, as Mr Monroe proposed to do, in the case of the South American states

for the action of the crowned heads of Europe; but he accredited the French minister at once—even before the government of the republic was considered as established. President Washington did not inquire, as a preliminary, into the claims of the Bourbons; but he recognised the actual government, which had just overthrown the Bourbon dynasty. "In all the phases of the French government," said Mr. Clay—"republic, directory, consuls, consul for life, emperor, king, emperor again, king—our government has uniformly received the minister." It followed, that the governments *de facto* of South America, should be acknowledged.

Mr. Clay went on to show, that the United Provinces of Rio de La Plata, had a valid claim to be recognised, as his amendment proposed—more so, even, in many respects, than the thirteen North American British colonies, during the war of the revolution. He then cites the message of the supreme director of those provinces to their Congress—one of the most dignified, eloquent, and commanding state-papers to be found in the archives of political history—upon which he says:—

"There is a spirit of bold confidence running through this fine state paper, which nothing but conscious strength could communicate. Their armies, their magazines, their finances, are on the most solid and respectable footing. And, amidst all the cares of war, and those incident to the consolidation of their new institutions, leisure is found to promote the interests of science, and the education of the rising generation. It is true, the first part of the message portrays scenes of difficulty and commotion, the usual attendants upon revolution. The very avowal of their troubles manifests, however, that they are subdued. And what state, passing through the agitation of a great revolution, is free from them? We had our tories, our intrigues, our factions. More than once were the affections of the country, and the confidence of our councils, in the great father of our liberties, attempted to be shaken. Not a Spanish bayonet remains within the immense extent of the territories of the La Plata, to contest the authority of the actual government. It is free, it is independent, it is sovereign. It manages the interests of the society that submits to its sway. It is capable of maintaining the relations between that society and other nations.

"Are we not bound, then, upon our own principles, to acknowledge this new republic? If we do not, WHO WILL? Are we to expect that kings will set us the example of acknowledging the only republic on earth, except our own? We receive, promptly receive, a minister, from whatever king sends us one. From the great powers and the little powers, we accredit ministers. We

do more: we hasten to reciprocate the compliment; and, anxious to manifest our gratitude for royal civility, we send for a minister (as in the case of Sweden and the Netherlands) of the lowest grade, one of the highest rank recognised by our laws. We are the natural head of the American family. I would not intermeddle in the affairs of Europe. We wisely keep aloof from their broils. I would not even intermeddle in those of other parts of America, further than to exert the incontestable rights appertaining to us as a free, sovereign, and independent power; and I contend, that the accrediting of a minister from the new republic is such a right. We are bound to receive their minister, if we mean to be really neutral. If the royal belligerent is represented and heard at our government, the republican belligerent ought also to be heard. Otherwise, one party will be in the condition of the poor patriots, who were tried *ex-parte* the other day, in the supreme court, without counsel, without friends. Give Mr. Onis his *congé*, or receive the republican minister. Unless you do so, your neutrality is nominal."

Mr. Clay next considers the probable consequences of the measure he proposed—first, that it could not lead to a war with Spain, on account of her imbecility, though it would be dishonorable to take advantage of that fact, to do a wrong. But this was right. Next:—

"Will the allies interfere? If, by the exertion of an unquestionable attribute of a sovereign power, we should give no just cause of war to Spain herself, how can it be pretended that we should furnish even a specious pretext to the allies for making war upon us? On what ground could they attempt to justify a rupture with us, for the exercise of a right which we hold in common with them, and with every other independent state? But we have a surer guarantee against their hostility, in their interests. That all the allies, who have any foreign commerce, have an interest in the independence of Spanish America, is perfectly evident. On what ground, I ask, is it likely, then, that they would support Spain, in opposition to their own decided interests? To crush the spirit of revolt, and prevent the progress of free principles? Nations, like individuals, do not sensibly feel, and seldom act upon dangers which are remote, either in time or place. Of Spanish America, but little is known by the great body of the population of Europe. Even in this country, the most astonishing ignorance prevails respecting it. Those European statesmen who are acquainted with the country, will reflect, that, tossed by a great revolution, it will most probably constitute four or five several nations, and that the ultimate modification of all their various governments is by no means absolutely certain. But I entertain no doubt that the principle of cohesion among the allies is gone. It was annihi-

lated in the memorable battle of Waterloo. When the question was, whether one should engross all, a common danger united all. How long was it, even with a clear perception of that danger, before an effective coalition could be formed? How often did one power stand by unmoved and indifferent to the fate of its neighbor, although the destruction of that neighbor removed the only barrier to an attack upon itself? No; the consummation of the cause of the allies was, and all history and all experience will prove it, the destruction of the alliance. The principle is totally changed. It is no longer a common struggle against the colossal power of Bonaparte, but it has become a common scramble for the spoils of his empire. There may, indeed, be one or two points on which a common interest still exists, such as the convenience of subsisting their armies on the vitals of poor suffering France. But as for action, for new enterprises, there is no principle of unity, there can be no accordance of interests, or of views, among them.

"What is the condition in which Europe is left, after all its efforts? It is divided into two great powers, one having the undisputed command of the land, the other of the water. Paris is transferred to St. Petersburgh, and the navies of Europe are at the bottom of the sea, or concentrated in the ports of England. Russia—that huge land animal—awing by the dread of her vast power all continental Europe, is seeking to encompass the Porte; and constituting herself the kraken of the ocean, is anxious to lave her enormous sides in the more genial waters of the Mediterranean. It is said, I know, that she has indicated a disposition to take part with Spain. No such thing. She has sold some old worm-eaten, decayed fir-built ships to Spain, but the crews which navigate them are to return from the port of delivery, and the *bonus* she is to get, I believe to be the island of Minorca, in conformity with the cardinal point of her policy. France is greatly interested in whatever would extend her commerce, and regenerate her marine, and consequently, more than any other power of Europe, England alone excepted, is concerned in the independence of Spanish America."

But Great Britain had a deep stake in the independence of Spanish America, as a market for her manufactures. She could not oppose it—would inevitably favor it. And so it has turned out. On this point, Mr. Clay said:—

"In the case of the struggle between Spain and her colonies, England, for once, at least, has manifested a degree of wisdom highly deserving our imitation; but, unfortunately, the very reverse of her course has been pursued by us. She has so conducted, by operating upon the hopes of the two parties, as to keep on the best terms with both; to enjoy all the advantages of

the rich commerce of both. We have, by a neutrality bill containing unprecedented features, and still more by a late executive measure, to say the least of it, of doubtful constitutional character, contrived to dissatisfy both parties. We have the confidence neither of Spain, nor the colonies.

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"If it be urged that, by avowing our willingness, in a legislative act, to pay a minister not yet sent, and whom the president may think it improper to send abroad, we operate upon the president by all the force of our opinion; it may be retorted, that when we are called upon to pay any minister, sent under similar circumstances, we are operated upon by all the force of the president's opinion. * * * * * *

"I am disposed to give to the president all the confidence which he must derive from the unequivocal expression of our will. This expression, I know, may be given in the form of an abstract resolution, declaratory of that will; but I prefer at this time proposing an act of practical legislation. And if I have been so fortunate as to communicate to the committee, in anything like that degree of strength in which I entertain them, the convictions that the cause of the patriots is just; that the character of the war, as waged by Spain, should induce us to wish them success; that we have a great interest in that success; that this interest, as well as our neutral attitude, requires us to acknowledge any established government in Spanish America; that the United Provinces of the river Plate is such a government; that we may safely acknowledge its independence, without danger of war from Spain, from the allies, or from England; and that without unconstitutional interference with the executive power, with peculiar fitness, we may express, in an act of appropriation, our sentiments, leaving him to the exercise of a just and responsible discretion; I hope the committee will adopt the proposition which I now have the honor of presenting to them, after a respectful tender of my acknowledgments for their attention and kindness, during, I fear, the tedious period I have been so unprofitably trespassing upon their patience."

On the 28th of March, four days afterward, his amendment being still under debate in committee, Mr. Clay took occasion for a rejoinder to the objections which, in the meantime, had been made to his proposal by several eloquent and able opponents, Messrs. Lowndes, of South Carolina; Forsyth, of Georgia; Smith, of Maryland; Smyth and Nelson, of Virginia; and Poindexter, of Mississippi:—

"But, sir, it seems that a division of the republican party is about to be made by the proposition. Who is to furnish, in this respect, the correct criterion—whose conduct is to be the standard

of orthodoxy? What has been the great principle of the party to which the gentleman from Virginia [Mr. Nelson] refers, from the first existence of the government to the present day? An attachment to liberty, a devotion to the great cause of humanity, of freedom, of self-government, and of equal rights. If there is to be a division, as the gentleman says; if he is going to leave us, who are following the old track, he may, in his new connexions, find a great variety of company, which, perhaps, may indemnify him for the loss of his old friends. What is the great principle that has distinguished parties in all ages, and under all governments—democrats and federalists, whigs and tories, plebeians and patricians? The one, distrustful of human nature, appreciates less the influence of reason and of good dispositions, and appeals more to physical force; the other party, confiding in human nature, relies much upon moral power, and applies to force as an auxiliary only to the operations of reason. All the modifications and denominations of political parties and sects may be traced to this fundamental distinction. It is that which separated the two great parties in this country. If there is to be a division in the republican party, I glory that I, at least, am found among those who are anxious for the advancement of human rights and of human liberty; and the honorable gentleman who spoke of appealing to the public sentiment, will find, when he does so, or I am much mistaken, that public sentiment is also on the side of public liberty and of human happiness.

"But the gentleman from South Carolina [Mr. Lowndes] has told us, that the constitution has wisely confided to the executive branch of the government, the administration of the foreign interests of the country. Has the honorable gentleman attempted to show, though his proposition be generally true, and will never be controverted by me, that we also have not our participation in the administration of the foreign concerns of the country, when we are called upon, in our legislative capacity, to defray the expenses of foreign missions, or to regulate commerce? I stated, when up before, and I have listened in vain for an answer to the argument, that no part of the constitution says which shall have the precedence, the act of making the appropriation for paying a minister, or the act of sending one. I have contended, and now repeat, that either the acts of deputing and of paying a minister should be simultaneous; or, if either has the preference, the act of appropri ating his pay should precede the sending of a minister. I chal lenge gentlemen to show me anything in the constitution, which directs that a minister shall be sent before his payment is provided for. * * * * * * *

"My theory of the constitution, on this particular subject, is, that Congress has the right of appropriating money for foreign missions, the president the power to use it. The president having

the power, I am willing to say to him, 'Here is the money, which we alone have a right to appropriate, which will enable you to carry your power into effect, if it seems expedient to you.' "

Mr. Clay also adduced several precedents in the history of the action of the government, to support this position. Though he had anticipated, he nevertheless had to combat, his opponents on the question in a commercial point of view, at the conclusion of which, having well refuted them, he again gave vent to the expression of a loftier sentiment :—

"It is too selfish, too mean a principle for this body to act on, to refuse its sympathy for the patriots of the south, because some little advantage of a commercial nature may be retained to us from their remaining in the present condition—which, however, I totally deny."

In regard to a report from the state department on this subject, Mr. Clay said :—

"I will pass over the report lately made to the house by the department of state, respecting the state of South America, with only one remark—that it appears to me to exhibit evidence of an adroit and experienced diplomatist, negotiating, or rather conferring on a subject with a young and inexperienced minister, from a young and inexperienced republic. From the manner in which this report was communicated, after a call for information so long made, and after a lapse of two months from the last date in the correspondence on the subject, I was mortified at hearing the report read. Why talk of the mode of recognition! Why make objections to the form of the commission? If the minister has not a formal power, why not tell him to send back for one? Why ask of him to enumerate the particular states whose independence he wished acknowledged? Suppose the French minister had asked of Franklin what number of states he represented? 'Thirteen, if you please,' Franklin would have replied. 'But, Mr. Franklin, will you tell me if Pennsylvania, whose capital is in possession of the British, be one of them?' What would Dr. Franklin have said? It would have comported better with the frankness of the American character, and of American diplomacy, if the secretary, avoiding cavils about the form of the commission, had said to the minister of Buenos Ayres : 'At the present moment we do not intend to recognise you, or to receive or to send a minister to you.' "

It had been said, that "factions prevailed at Buenos Ayres." "Do not factions prevail everywhere?" said Mr. Clay. The following defence of the chaplain of Congress, will be regarded with interest :—

"The honorable gentleman from Georgia [Mr. Forsyth] commenced his remarks the other day by an animadversion which he might well have spared, when he told us, that even the prayers of the chaplain of this house had been offered up in behalf of the patriots. And was it reprehensible, that an American chaplain, whose cheeks are furrowed by age, and his head as white as snow, who has a thousand times, during our own revolution, implored the smiles of Heaven on our exertions, should indulge in the pious and patriotic feelings flowing from his recollections of our own revolution? Ought he to be subject to animadversion for so doing, in a place where he can not be heard? Ought he to be subject to animadversion for soliciting the favor of Heaven on the same cause as that in which we fought the good fight, and acquired our independence? I trust not.

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"The present state of facts, and not what has passed and gone in South America, must be consulted. At the present moment, the patriots of the south are fighting for liberty and independence—for precisely what we fought. But their revolution, the gentleman told the house, was stained by scenes which had not occurred in ours. If so, it was because execrable outrages had been committed upon them by troops of the mother-country, which were not upon us. Can it be believed, if the slaves had been let loose upon us in the south, as they have been let loose in Venezuela; if quarters had been refused; capitulations violated—that General Washington, at the head of the armies of the United States, would not have resorted to retribution? Retaliation is sometimes mercy—mercy to both parties. The only means by which the coward soul that indulges in such enormities can be reached, is to show to him that they will be visited by severe, but just retribution. There are traits in the history of this revolution, which show what deep root liberty has taken in South America. I will state an instance. The only hope of a wealthy and reputable family was charged, at the head of a small force, with the care of the magazine of the army. He saw that it was impossible to defend it. 'Go,' said he to his companions in arms, 'I alone am sufficient for its defence.' The assailants approached; he applied a match and blew up the magazine, with himself, scattering death and destruction on his enemy. There is another instance of the intrepidity of a female of the patriot party. A lady in New Granada had given information to the patriot forces, of plans and instructions by which the capitol might be invaded. She was put upon the rack to divulge her accomplices. She bore the torture with the greatest fortitude, and died exclaiming: 'You shall not hear it from my mouth; I will die, and may those live who can free my country.'

"But the house has been asked, and asked with a triumph worthy of a better cause, why recognise this republic? Where is

the use of it? And is it possible that gentlemen can see no use in recognising this republic? For what did this republic fight? To be admitted into the family of nations. Tell the nations of the world, says Pueyrredon, in his speech, that we already belong to their illustrious rank. What would be the powerful consequences of a recognition of their claim? I ask my honorable friend before me [General Bloomfield], the highest sanction of whose judgment in favor of my proposition, I fondly anticipate, with what anxious solicitude, during our revolution, he and his glorious compatriots turned their eyes to Europe and asked to be recognised? I ask him, the patriot of '76, how the heart rebounded with joy, on the information that France had recognised us? The moral influence of such a recognition, on the patriot of the south, will be irresistible. He will derive assurance from it, of his not having fought in vain. In the constitution of our natures there is a point, to which adversity may pursue us, without perhaps any worse effect than that of exciting new energy to meet it. Having reached that point, if no gleam of comfort breaks through the gloom, we sink beneath the pressure, yielding reluctantly to our fate, and in hopeless despair lose all stimulus to exertion. And is there not reason to fear such a fate to the patriots of La Plata? Already enjoying independence for eight years, their ministers are yet spurned from the courts of Europe, and rejected by the government of a sister republic. Contrast this conduct of ours with our conduct in other respects. No matter whence the minister comes, be it from a despotic power, we receive him: and even now, the gentleman from Maryland [Mr. Smith] would have us send a minister to Constantinople, to beg a passage through the Dardanelles to the Black sea, that, I suppose, we might get some hemp and bread-stuffs there, of which we ourselves produce none; he, who can see no advantage to the country from opening to its commerce the measureless resources of South America, would send a minister to Constantinople for a little trade. Nay, I have seen a project in the newspapers, and I should not be surprised, after what we have already seen, at its being carried into effect, for sending a minister to the Porte. Yes, sir, from Constantinople, or from the Brazils; from Turk or Christian; from black or white; from the bey of Algiers or the bey of Tunis; from the devil himself, if he wore a crown, we should receive a minister. We even paid the expenses of the minister of his sublime highness, the bey of Tunis, and thought ourselves highly honored by his visit. But, let the minister come from a poor republic, like that of La Plata, and we turn our back on him. The brilliant costumes of the ministers of the royal governments are seen glistening in the circles of our drawing-rooms, and their splendid equipages rolling through the avenues of the metropolis; but the unaccredited minister of the

republic, if he visit our president or secretary of state at all, must do it *incognito*, lest the eye of Don Onis should be offended by so unseemly a sight! I hope the gentleman from South Carolina, who is so capable of estimating the effect of moral causes, will see some use in recognising the independence of La Plata. I appeal to the powerful effect of moral causes, manifested in the case of the French revolution, when, by their influence, that nation swept from about her the armies of the combined powers, by which she was environed, and rose up the colossal power of Europe. There is an example of the effect of moral power. All the patriots ask, all they want at our hands, is, to be recognised as, what they have been for the last eight years, an independent power.

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"We have exchanged ministers with the Brazils. The one, however, is a *kingdom*, the other a *republic;* and if any gentleman can assign any other better reason why a minister should be sent to one, and not to the other, of these powers, I shall be glad to hear it disclosed, for I have not been able myself to discover it.

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"But we are charged, on the present occasion, with treading on sacred ground. Let me suppose, what I do not believe to be the case, that the president has expressed an opinion one way and we another. At so early a period of our government, because a particular individual fills the presidential chair—an individual whom I highly respect, more perhaps than some of those who would be considered his exclusive friends—is the odious doctrine to be preached here, that the chief magistrate can do no wrong? Is the doctrine of passive obedience and non-resistance—are the principles of the Stuarts, to be revived in this free government? Is an opinion to be suppressed and scouted, because it is in opposition to the opinion of the president? Sir, as long as I have a seat on this floor, I shall not hesitate to exert the independence which belongs to the representative character; I shall not hesitate to express my opinions, coincident or not with those of the executive. But I can show that this cry has been raised on the present occasion without reason. Suppose a case—that the president had sent a minister to Buenos Ayres, and this house had been called on to make an appropriation for the payment of his salary. I ask of gentlemen, whether in that case they would not have voted an appropriation? And has not the house a right to deliberate on the propriety of doing so, as well before, as after a minister is sent? Will gentlemen please to point out the difference? I contend that *we* are the true friends of the executive; and that the title does not belong to those who have taken it. We wish to extend his influence, and give him patronage; to give him means, as he has now the power, to send another minister abroad. But, apart from this view of the question, as regards the executive power, this house

has the incontestable right to recognise a foreign nation in the exercise of its power, to regulate commerce with foreign nations. Suppose, for example, we pass an act to regulate trade between the United States and Buenos Ayres, the existence of the nation would be thereby recognised, as we could not regulate trade with a nation which does not exist."

It is not pleasant to be obliged to record, that the measure proposed and advocated by Mr. Clay, by such arguments, at this session of Congress, in behalf of the provinces of Rio de La Plata, was rejected by a vote of 115 to 45.

At the opening of the next session, the president (Monroe) in his annual message, after surveying the relations of the United States to Spain, and the struggles and condition of the Spanish provinces in South America, said: "There is good cause to be satisfied with the course heretofore pursued by the United States in regard to this contest, and to conclude that it is proper to adhere to it, especially in the present state of affairs."

"The course heretofore pursued," was in substance the rejection of the course proposed by Mr. Clay. As Mr. Monroe had made up his mind virtually to sustain in this message General Jackson's seizure of the Spanish posts, and to pass no censure upon him for other acts in the Seminole campaign, which were by many deemed improper—he himself having pronounced them so in a private correspondence, and having even entertained the idea of disapproving General Jackson's conduct in this very message, as seen in another part of this work—there was perhaps some apology, at least a species of political necessity, in abstaining from any expressions of sympathy, and from positively kind acts, toward the provinces of Spain, which would be unwelcome to the mother-country.

It was not till February 9th of this short session, 1818–'19, while a bill to increase the salaries of certain officers of government, was pending, that Mr. Clay had an opportunity to allude to this unpleasant part of the president's message. He then said:—

"It had been his settled intention to renew, pending this bill, the proposition which he had the honor of submitting at the last session, having for its object the recognition of the independence of the united provinces of South America. He was restrained from executing that intention, by two considerations: one was his personal indisposition, but another and more important one, was, the small portion of the session yet remaining, to transact the public business. While he was up, he would say, that so far

from his opinions, expressed on the former occasion, having undergone any change, they had been strengthened and confirmed, by all the occurrences which had subsequently taken place. He had been anxious, if time had permitted, to examine what appeared to him very exceptionable reasons assigned for declining to recognise our sister republic, in a paper entitled to the most profound respect, the message of the president at the opening of Congress. He was desirous, also, of noticing the still more exceptionable grounds taken in a paper recently transmitted to the house, from the department of state. From that paper it appeared, that even a consul could not be received from the southern republic, because the grant of an exequator implied recognition! We receive her flag, we admit her commerce, and yet refuse the consular protection which that flag and commerce necessarily drew with them! But to submit his proposition would be to occasion, perhaps, a protracted debate. And considering the few days yet left us, the pressing and urgent, though not more important business yet to be done, he should not hold himself excusable to the house and to the country, after having himself so materially contributed to the consumption of time in debate, if he were even the unintentional instrument of preventing the passage of what might be thought essential laws. He would like exceedingly to contrast the objections urged against the reception of the Venezuelean minister, with the more forcible and stronger personal ones against the present Spanish minister. But deep as the interest which he heretofore had felt and still felt, in the success of that great struggle at the south, he must, for the reasons assigned, forbear to press any proposition upon the house, at present. Should it be necessary at another session, and should he have the honor of a seat on this floor then, he pledged himself to bring up the subject, unless adverse causes should render it highly inexpedient."

When the Spanish treaty of 1819, to purchase Florida and give up Texas, was under consideration in 1820, Mr. Clay took an active part in opposing it, first, because Florida must inevitably come into the hands of the United States, and it was unnecessary to be in a hurry about it. "It must certainly come to us," said Mr. Clay. "The ripened fruit will not more surely fall." Next, because territory could not be constitutionally ceded by treaty; and lastly, because it was giving too much for Florida—the consideration being variously estimated at from fifteen to twenty-five millions of dollars. In the debate on the resolutions offered by Mr. Clay, to prevent the consummation of the treaty, Mr. Clay said:—

"There are two systems of policy, of which our government

had had the choice. The first was, by appealing to the justice and affections of Spain, to employ all those persuasives which could arise out of our abstinence from any direct countenance to the cause of South America, and the observance of a strict neutrality. The other was, by appealing to her justice also, and to her fears, to prevail upon her to redress the injuries of which we complain—her fears by a recognition of the independent governments of South America, and leaving her in a state of uncertainty as to the further step we might take in respect to those governments. The unratified treaty was the result of the first system. It could not be positively affirmed, what effect the other system would have produced; but he verily believed that, while it rendered justice to those governments, and would have better comported with that magnanimous policy which ought to have characized our own, it would have more successfully tended to an amicable and satisfactory arrangement of our differences with Spain.

"The first system has so far failed. At the commencement of the session, the president recommended an enforcement of the provisions of the treaty. After three months' deliberation, the committee of foreign affairs, not being able to concur with him, has made us a report, recommending the seizure of Florida in the nature of a reprisal. Now the president recommends our postponement of the subject until the next session. It had been his intention, whenever the committee of foreign affairs should engage the house to act upon their bill, to offer, as a substitute for it, the system which he thought it became this country to adopt, of which the occupation of Texas, as our own, would have been a part, and the recognition of the independent governments of South America another. If he did not now bring forward this system, it was because the committee proposed to withdraw their bill, and because he knew too much of the temper of the house and of the executive, to think that it was advisable to bring it forward. He hoped that some suitable opportunity might occur during the session, for considering the propriety of recognising the independent governments of South America."

Mr. Clay maintained, that the title of the United States, in that quarter, extended to the Rio del Norte on the west, and to the Perdido on the east. Texas was unencumbered, whereas Florida was shingled over with Spanish titles, to be made good. Rather than agree to this most unequal contract—which, as a treaty, he regarded as unconstitutional—Mr. Clay preferred to recognise the independence of Spanish America, first, because it was right; next, because it was fraternal and magnanimous; and lastly, because it was politic, and would tend to secure to the United States better terms with Spain.

But President Monroe's annual message of December 7, 1819, communicating the Spanish treaty above noticed, and the mortifying fact of its not having been ratified by Spain, although made in conformity with the instructions of her minister at Washington, was characterized by a very different tone toward South America, from his previous messages and acts. The president seemed at last to have discovered the bad faith of Spain, and he plainly said: "By this proceeding Spain has done to the United States a new and very serious injury." He began also to see the South American republics in a new light, and spoke of their success and prospects in the most flattering terms.

Under these auspicious circumstances, Mr. Clay, on the 3d of April, 1820, offered the following resolutions:—

"*Resolved*, That it is expedient to provide by law a suitable outfit and salary for such minister or ministers as the president, by and with the advice and consent of the senate, may send to any of the governments of South America, which have established, and are maintaining, their independence of Spain.

"*Resolved*, That provision ought to be made for requesting the president of the United States to cause to be presented to the general, the most worthy and distinguished, in his opinion, in the service of any of the independent governments of South America, the sword which was given by the viceroy of Lima to Captain Biddle of the Ontario, during her late cruise in the Pacific, and which is now in the office of the department of state, with the expression of the wish of the Congress of the United States, that it may be employed in the support and preservation of the liberties and independence of his country."

When they came up for consideration, on the 10th of May, he withdrew the second, as, in the meantime a bill had been passed, to prevent the acceptance of presents from foreign governments by officers and agents of the United States, anticipating the rebuke which this resolution was intended to administer.

It will be apparent, that Mr. Clay now occupied high ground in the advocacy of this great and philanthropic cause. Four years had rolled on, since he commenced these labors. He had fought and won, before the country, before the world—a pity to say, against his own government—one of the most brilliant battles for humanity, and for the rights of man, which history records. At last, in 1820, the field was well nigh cleared of domestic opposition. The perfidy of Spain had brought the national executive to Mr. Clay's side, and it was said, that the president had started in a race with him,

to pluck the feather from his cap. But Mr. Monroe was a man of better feelings, than to be capable of envying such success, even though it had been apparently won over himself.

If Mr. Monroe had been influenced by improper counsels, he was doubtless conscientious in the course he had pursued, and yielded at last with grace and dignity. Mr. Clay said :—

"With regard to the form of his proposition, all he wanted was, to obtain an expression of the opinion of the house on this subject; and whether a minister should be authorized to one or the other of these governments, or whether he should be of one grade or of another, he cared not. This republic, with the exception of the people of South America, constituted the sole depository of political and religious freedom; and can it be possible, said he, that we can remain passive spectators of the struggle of those people to break the same chains which once bound us? The opinions of the friends of freedom in Europe is, that our policy has been cold, heartless, and indifferent, toward the greatest cause which could possibly engage our affections and enlist our feelings in its behalf.

"Mr. Clay concluded by saying that, whatever might be the decision of this house on this question, proposing shortly to go into retirement from public life, he should there have the consolation of knowing that he had used *his* best exertions in favor of a people inhabiting a territory calculated to contain as many souls as the whole of Christendom besides, whose happiness was at stake, and which it was in the power of this government to do so much toward securing."

This resolution was carried by a vote of 80 to 75, against the wishes and influence of the administration, as was understood. The seed which had been sown by Mr. Clay for South American emancipation took deep root in the public mind, and now began to display the prospects of a fair and rich harvest.

In the summer of 1821, after Mr. Clay had retired from Congress, to labor at the oar of his profession as a lawyer, from the necessities of his private affairs, to which he had been reduced by endorsing for others, his fellow-citizens at Lexington gave him a dinner, at which, of course, he, in return, gave them a speech. Alluding to his disappointment in not having accomplished more for South America, he said :—

"It would have given him much satisfaction, if, prior to the close of his public career [it is singular that in 1821 he should have been speaking as if his public life were ended], some subjects, in which his constituents had, with him, manifested a deep

concern, could have had a completely successful issue. One of them was the recognition of the independent governments of South America. He was happy to be able to tell them, that the popular branch of the national legislature, in accordance with the sentiments of the American people, had, at the last session of Congress, proclaimed to the world, the wish of this country for that recognition, and the great interest which is felt here for the success of the patriotic cause. And it might be reasonably hoped that the executive branch of the government would not much longer delay to conform to the known sentiments of the whole Union. Among the motives which always appeared to him to recommend to this country to countenance, by all means short of actual war, that cause, ONE, and not the least considerable, was, that it would give additional tone, and hope, and confidence, to the friends of liberty throughout the world. It was evident, after the overthrow of Bonaparte, that the alliance, by which that event was unexpectedly brought about, would push the principle of LEGITIMACY—a softer and covert name for despotism—to the uttermost extent. Accordingly, the present generation had seen, with painful feelings, congress after congress assembling in Europe, to decide, without ceremony, upon the destiny of foreign and independent states. And if we, the greatest offender of all against the principle of legitimacy, had not been brought under their jurisdiction, and subjected to their parental care, we owed the exemption to our distance from Europe, and to the known bravery of our countrymen. But who that has observed the giddiness and intoxication of power, can say, how long this exemption will continue? It had seemed to him desirable, that a sort of counterpoise of the Holy Alliance should be formed in the two Americas, in favor of national independence and liberty, to operate by the force of example, and by moral influence, that here a rallying-point and an asylum should exist for freemen and for freedom."

The action of "the popular branch of the national legislature," above alluded to and commended by Mr. Clay, consisted in the prompt passage of the following resolutions, which he himself offered on the 10th of February preceding:—

"*Resolved*, That the house of representatives participate with the people of the United States, in the deep interest which they feel for the success of the Spanish provinces of South America which are struggling to establish their liberty and independence.

"*Resolved*, That this house will give its constitutional support to the president of the United States, whenever he may deem it expedient to recognise the sovereignty and independence of any of said provinces."

The first resolution was carried with only *twelve* dissenting voices: the vote on the second was 87 to 68.

After the passage of the resolution of 1820, as before noticed, the triumph of Mr. Clay was signalized in the house of representatives by adopting the unusual course of appointing a special committee to wait on the president with a copy of the resolution, as a mode of advising him of the result of their action in the case. The usual mode was to transmit a certified copy of the journals by the hand of an officer of the house. But on this occasion, in consideration of the importance of the transaction in the cause of freedom, of the notoriety which the debates on the subject had obtained, of the growing interest of the public mind, which had been raised to an excitement, and, inasmuch as the whole transaction was avowedly designed for moral effect—it could have no other—Mr. Clay thought proper to move for this committee, which was promptly granted, and himself, as mover, was of course placed at the head of it.

It can not but be seen, that the position occupied for years by Mr. Clay, on the question of recognising the independence of the South American states, with all his fervor and earnestness, against Mr. Monroe and his administration, was a *quasi* opposition, in which, and between the parties, there was, doubtless, more or less of feeling. The whole movement of Mr. Clay, in this great enterprise, operated aggressively on the position of the administration. Although the president did not think best openly to oppose, it is quite probable he was not reluctant to put obstacles in Mr. Clay's path. He might possibly have thought, that it was his own appropriate function to have charge of this business—to originate, as well as to manage foreign relations—and that Mr. Clay's zeal and activity bordered on interference. The whole aspect of the case, in its progress, would seem at least to indicate, that there was more in the bosoms of the parties concerned, than was made apparent to the public.

Soon after the appointment of this special committee to wait on the president, and announce the result to which they had come, the house adjourned, and Mr. Nelson, the particular friend of Mr. Monroe, in this and in all things else, left the capitol in great excitement, declaring, as he went to his lodgings, that such an insult had never before been offered to any president. The committee, with Mr. Clay as their organ and chairman, waited upon the president, in the discharge of the duty which had been confided to them ; but, of course, Mr. Clay performed his part with the greatest delicacy and courtesy toward the executive, though, after all

that had passed, it could hardly have been very desirable to that functionary.

As a parliamentary achievement, the final success of this measure was a signal triumph. But it is more especially worthy of notice in a moral point of view. The beginning, the progress, and the end, are alike worthy of regard. In the outset, there was nothing but the cause, in the distance—not a solitary movement, in all Christendom, in behalf of the South American patriots. For a leading statesman, in any country, to rise up, in such circumstances, and say, let us take them by the hand, was a bold step. To move for and advocate the action of his own government, for a recognition of their political existence, as independent sovereignties, might seem a hopeless task. To persevere in the prosecution of this object, year after year, against opponents at home and opponents abroad, with all Europe and North America in a state of indifference, if not of hostility, argued a deep and permanent conviction of the right of the cause. And to have pushed it at last to victory, causing it to be announced to all the world, that the first republic of modern times, was the first to extend her hand to a cluster of sister republics in the same hemisphere, that had broken the bands of despotism, and given promise of maintaining their rights, makes an epoch in history.

The moral influence of this recognition answered all the purposes which Mr. Clay predicted, and disappointed all the forebodings of the timid and irresolute. Spain could not make a case of it, for just complaint—much less for war. It was in vain that Lord Castlereagh held back, and Count Nesselrode sympathized with legitimacy. The passage of this resolution, as the first stage of Mr. Clay's triumph, made an impression throughout Europe—in all the world. Doubts vanished, and each of the parties interested in commerce, began to make its calculations and shape its policy for what was likely to come to pass—Great Britain not among the last.

"Did any man doubt the feelings of the South toward us?" said Mr. Clay, on this occasion. "In spite of our coldness toward them, of the rigor of our laws, and of the conduct of our officers, their hearts still turned toward us, as to their brethren; and he had no doubt, if our government would take the lead in recognising them, they would become yet more anxious to imitate our institutions, and to secure to themselves and to their posterity the same freedom which we enjoy."

On the 8th of March, 1822, the president, by a special message to Congress, recommended the recognition of South American independence; and on the 28th of the same month, the measure was carried in the house of representatives, with but ONE DISSENTING VOICE!—a moral victory, after a struggle of years, achieved by a single arm—a victory, the equal of which is rarely to be found in the annals of political society—a victory of vast and inconceivable social results, in its checks on despotism, and for the furtherance of liberty.

It was not unknown in South America, what the champion of their rights was doing for them in North America. His speeches in Congress were translated into Spanish, and read at the head of the armies of the southern republics while fighting for freedom. Doubtless, to his influence there, may in some measure be ascribed their success. It may even be, that success hinged upon it. It has been seen what that influence was at home.

"I HAVE NO COMMISERATION FOR PRINCES. MY SYMPATHIES ARE RESERVED FOR THE GREAT MASS OF MANKIND."

The following correspondence between BOLIVAR and Mr. CLAY, will exhibit the character of the North American republican, in his frank rebuke of the ambitious designs of the South American usurper:—

"BOGOTA, *November* 21, 1827.

"SIR: I can not omit availing myself of the opportunity offered me by the departure of Colonel Watts, chargé d'affaires of the United States, of taking the liberty of addressing your excellency. This desire has long been entertained by me, for the purpose of expressing my admiration of your excellency's brilliant talents and ardent love of liberty. All America, Colombia, and myself, owe your excellency our purest gratitude for the incomparable services you have rendered to us, by sustaining our course with a sublime enthusiasm. Accept, therefore, this sincere and cordial testimony, which I hasten to offer to your excellency, and to the government of the United States, who have so greatly contributed to the emancipation of your southern brethren.

"I have the honor to offer to your excellency my distinguished consideration. Your excellency's obedient servant,

"BOLIVAR."

(REPLY.)

"WASHINGTON, *October* 27, 1828.

"SIR: It is very gratifying to me to be assured directly by your excellency, that the course which the government of the United States took, on this memorable occasion, and my humble

efforts, have excited the gratitude, and commanded the approbation, of your excellency. I am persuaded that I do not misinterpret the feelings of the people of the United States, as I certainly express my own, in saying, that the interest which was inspired in this country by the arduous struggles of South America, *arose principally from the hope, that, along with its independence, would be established free institutions, insuring all the blessings of civil liberty. To the accomplishment of that object we still anxiously look.* We are aware that great difficulties oppose it, among which not the least is that which arises out of the existence of a large military force, raised for the purpose of resisting the power of Spain. Standing armies, organized with the most patriotic intentions, are dangerous instruments. They devour the substance, debauch the morals, and too often destroy the liberties of the people. Nothing can be more perilous or unwise than to retain them after the necessity has ceased which led to their formation, especially if their numbers are disproportionate to the revenues of the state.

"But, notwithstanding all these difficulties, we had fondly cherished, and still indulge the hope, that South America would add a new triumph to the cause of human liberty; and that Providence would bless her, as he had her northern sister, with the genius of some great and virtuous man, to conduct her securely through all her trials. We had even flattered ourselves, that we beheld that genius in your excellency. But I should be unworthy of the consideration with which your excellency honors me, and deviate from the frankness which I have ever endeavored to practise, *if I did not on this occasion state, that ambitious designs have been attributed by your enemies to your excellency, which have created in my mind great solicitude.* They have cited late events in Colombia as proofs of these designs. But, slow in the withdrawal of confidence which I have once given, I have been most unwilling to credit the unfavorable accounts which have from time to time reached me. I can not allow myself to believe, that your excellency will abandon the bright and glorious path which lies plainly before you, for the bloody road passing over the liberties of the human race, on which the vulgar crowds of tyrants and military despots have so often trodden. I will not doubt, that your excellency will, in due time, render a satisfactory explanation to Colombia and the world, of the parts of your public conduct which have excited any distrust; and that, preferring the true glory of our immortal Washington to the ignoble fame of the destroyers of liberty, you have formed the patriotic resolution of ultimately placing the freedom of Colombia upon a firm and sure foundation. That your efforts to that end may be crowned with complete success, I most fervently pray.

"I request that your excellency will accept assurances of my sincere wishes for your happiness and prosperity.

"H. Clay."

These early, continued, and at last triumphant efforts in behalf of South America, are only *one direction* of Mr. Clay's enlarged philanthropy and love of universal freedom. In the struggles of Greece, he displayed the same feeling. In 1824, Mr. Webster offered the following resolution in the house of representatives:—

"*Resolved*, That provision ought to be made by law, for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the president shall deem it expedient to make such appointment."

It was supported by Mr. Clay, on the 20th of January, 1824, with the same zeal which he had before manifested for the oppressed provinces of Spanish America. The following are extracts from his remarks on this occasion:—

"Mr. Chairman, is it not extraordinary, that for these two successive years, the president of the United States should have been freely indulged, not only without censure, but with universal applause, to express the feelings which both the resolution and the amendment proclaim, and yet, if this house venture to unite with him, the most awful consequences are to ensue? From Maine to Georgia, from the Atlantic ocean to the gulf of Mexico, the sentiment of approbation has blazed with the rapidity of electricity. Everywhere the interest in the Grecian cause is felt with the deepest intensity, expressed in every form, and increases with every new day and passing hour. And are the representatives of the people alone to be insulated from the common moral atmosphere of the whole land? Shall we shut ourselves up in apathy, and separate ourselves from our country, from our constituents, from our chief magistrate, from our principles?

"The measure has been most unreasonably magnified. Gentlemen speak of the watchful jealousy of the Turk, and seem to think the slightest movement of this body will be matter of serious speculation at Constantinople. I believe that neither the sublime Porte, nor the European allies, attach any such exaggerated importance to the acts and deliberations of this body. The Turk will, in all probability, never hear of the names of the gentlemen who either espouse or oppose the resolution. It certainly is not without a value; but that value is altogether moral.

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"There is reason to apprehend, that a tremendous storm is ready to burst upon our happy country—one which may call into action all our vigor, courage, and resources. Is it wise or prudent, in preparing to breast the storm, if it must come, to talk to this nation of its incompetency to repel European aggression—to lower its spirit, to weaken its moral energy, and to qualify it for easy conquest and base submission? If there be any reality in the

dangers which are supposed to encompass us, should we not animate the people, and adjure them to believe, as I do, that our resources are ample; and that we can bring into the field a million of freemen, ready to exhaust their last drop of blood, and to spend the last cent in the defence of the country, its liberty, and its institutions? Sir, are these, if united, to be conquered by all Europe combined? All the perils to which we can possibly be exposed, are much less in reality, than the imagination is disposed to paint them. And they are best averted by an habitual contemplation of them, by reducing them to their true dimensions. If combined Europe is to precipitate itself upon us, we can not too soon begin to invigorate our strength, to teach our heads to think, our hearts to conceive, and our arms to execute the high and noble deeds which belong to the character and glory of our country. The experience of the world instructs us, that conquests are already achieved, which are boldly and firmly resolved on; and that men only become slaves who have ceased to resolve to be free. If we wish to cover ourselves with the best of all armor, let us not discourage our people, let us stimulate their ardor, let us sustain their resolution, let us proclaim to them that we feel as they feel, and that, with them, we are determined to live or die like freemen.

"Surely, sir, we need no long or learned lectures about the nature of government, and the influence of property or ranks on society. We may content ourselves with studying the true character of our own people, and with knowing that the interests are confided to us of a nation capable of doing and suffering all things for its liberty. Such a nation, if its rulers be faithful, must be invincible. I well remember an observation made to me by the most illustrious female* of the age, if not of her sex. 'All history showed,' she said, 'that a nation was never conquered.' No, sir, no united nation, that resolves to be free, can be conquered. And has it come to this? Are we so humbled, so low, so debased, that we dare not express our sympathy for suffering Greece? that we dare not articulate our detestation of the brutal excesses of which she has been the bleeding victim, lest we might offend some one or more of their imperial and royal majesties? If gentleman are afraid to act rashly on such a subject, suppose, Mr. Chairman, that we unite in an humble petition, addressed to their majesties, beseeching them, that of their gracious condescen sion, they would allow us to express our feelings and our sympa thies. How shall it run? 'We, the representatives of the *free* people of the United States of America, humbly approach the thrones of your imperial and royal majesties, and supplicate that, of your imperial and royal clemency—' I can not go through the disgusting recital; my lips have not yet learned to pronounce the

* Madame de Stael.

sycophantic language of a degraded slave! Are we so mean, so base, so despicable, that we may not attempt to express our horror, utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high Heaven? at the ferocious deeds of a savage and infuriated soldiery, stimulated and urged on by the clergy of a fanatical and inimical religion, and rioting in all the excesses of blood and butchery, at the mere details of which the heart sickens and recoils?

"If the great body of Christendom can look on calmly and coolly, while all this is perpetrated on a Christian people, in its own immediate vicinity, in its very presence, let us at least evince, that one of its remote extremities is susceptible of sensibility to Christian wrongs, and capable of sympathy for Christian sufferings; that in this remote quarter of the world, there are hearts not yet closed against compassion for human woes, that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection, and every modern tie. Sir, attempts have been made to alarm the committee, by the dangers to our commerce in the Mediterranean, and a wretched invoice of figs and opium has been spread before us to repress our sensibilities and to eradicate our humanity. Ah! sir, 'what shall it profit a man if he gain the whole world and lose his own soul?' or what shall it avail a nation to save the whole of a miserable trade, and lose its liberties?

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"Sir, it is not for Greece alone that I desire to see this measure adopted. It will give to her but little support, and that purely of a moral kind. It is principally for America, for the credit and character of our common country, for our own unsullied name, that I hope to see it pass. Mr. Chairman, what appearance on the page of history would a record like this exhibit?—'In the month of January, in the year of our Lord and Savior, 1824, while all European Christendom beheld, with cold and unfeeling indifference, the unexampled wrongs and inexpressible misery of Christian Greece, a proposition was made in the Congress of the United States, almost the sole, the last, the greatest depository of human hope and human freedom, the representatives of a gallant nation, containing a million of freemen ready to fly to arms, while the people of that nation were spontaneously expressing its deep-toned feeling, and the whole continent, by one simultaneous emotion, was rising, and solemnly and anxiously supplicating and invoking high Heaven to spare and succor Greece, and to invigorate her arms in her glorious cause, while temples and senate-houses were alike resounding with one burst of generous and holy sympathy; in the year of our Lord and Savior—that Savior of Greece and of us—a proposition was offered in the American Congress to send a messenger to Greece, to inquire into her state and condition,

with a kind expression of our good-wishes and our sympathies—and it was rejected!' Go home, if you can; go home, if you dare, to your constituents, and tell them that you voted it down; meet, if you can, the appalling countenances of those who sent you here, and tell them that you shrank from the declaration of your own sentiments; that you can not tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, drove you from your purpose; that the spectres of cimeters, and crowns, and crescents, gleamed before you and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity! I can not bring myself to believe, that such will be the feeling of a majority of the committee. But, for myself, though every friend of the cause should desert it, and I be left to stand alone with the gentleman from Massachusetts, I will give to his resolution the poor sanction of my unqualified approbation."

Though this resolution failed, it is pleasant to be able to record the fact, that the United States were the first to recognise the independence of Greece, and that it was consummated by Mr. Clay as secretary of state, under the administration of Mr. J. Q. Adams.

The efforts of Mr. Clay as disclosed in this chapter, lay open a volume of history, which, in the rapid and absorbing career of subsequent events, has for many years slept in repose; but which is in fact one of the most brilliant demonstrations in the character of this American statesman. His position at this epoch of the occidental world, is defined in the letter of Mr. Rush. It was Henry Clay that stepped in between the struggling millions of South America and their European oppressors, and spoke to them words of encouragement. It was Henry Clay that threw his shield over that wide field of suffering humanity, and gave it breathing time, and hope, and courage. It was Henry Clay that "looked at Spain and the *Indies, and called a new world into existence*," and not Mr. Canning.

It has already been remarked, in substance, that a disappointment which, to a considerable extent, may have been felt, in having witnessed the unsettled state, and frequent revolutions, of the South American republics, since their severance from the parent state, does not detract at all from the virtue of those who sympathized with them in their first efforts for emancipation, nor from the merit of that moral aid which they derived from the gallant labors of Mr. Clay in their behalf. But there are even more substantial and more gratifying reflections arising from that quarter,

than the consideration of this effective sympathy which does so much honor to human nature.

In the first place, it is obvious, that all the agitations, revolutions, and calamitous vicissitudes, through which the South American states have passed, since they achieved their independence, are greatly less evils than would have resulted from their resubjugation, if the treatment they had previously received, may be taken as a criterion of that which would have been dealt out to them, in the event of their having been reconquered. They had been sealed up under a religioso-political despotism, unexampled for its severity in the history of the world. It was the deliberate policy of Spain, for fear that colonies so remote might some time assert their just rights, to imprison that immense portion of the human mind in the bands of ignorance and superstition; to cut them off from all intercourse with the rest of the world, and with each other; to send governors to rule with the bayonet, and priests to subdue with the terrors of the inquisition; to keep the people in perpetual and hopeless servitude to the throne and to the church; to draw from them all the fruits of their labor, and all the wealth of their mines; to forbid all pursuits, and all products of labor, that would not enrich the domestic empire; and to maintain a subjection of mind and body, that would never have a spirit to complain—much less courage to rebel. If any state of things could be worse than such a condition of twenty millions of the human family, let a freeman rise, and tell what it is. But a resubjugation would have made that condition as much worse as imagination can conceive. The atrocities committed, in the partial advantages gained by the royal arms during the contest, on men, women, and children, which none but the most diabolical feelings could suggest or authorize, were but foretastes of the rigor and inhumanity destined for al. those people, in case of their failure of final success.

Unless it be maintained, that it was right and best, that South America should have remained for ever under Spain, with such designs as history discloses, then clearly, the only better time to assert their rights, must have been an earlier period, instead of a later; for they could never afterward have been so well prepared. Every reasoning man, therefore, will naturally come to the conclusion, that such a people must necessarily pass through a protracted and painful school of experience, in their attempts to establish a free government and free institutions, before they will be likely to accomplish all that is most desirable.

One great thing has been obtained: they have cut loose from the despotisms of the old world—in all probability for ever. It would require much profound thought to appreciate all the advantages of such a step. But they are many and great. They have taken rank in the American family of nations, with somewhat, at least, of the American spirit, as distinctive from that of Europe. Their model of political society has ever been the North American republic. It may be ages before they will gain what they desire, and what they set out for. But they are free—comparatively so. They have chances, aspirations, hopes, energies, resources, capabilities. Every succeeding generation increases in knowledge, and it may be hoped in virtue. If an oppressor rises to-day, he is put down to-morrow. They are increasing in numbers, wealth, and power; opening intercourse with the wide world; and every change through which they pass, though it may seem disastrous for the time being, operates as a fermentation to purify the masses, and as a challenge to call better spirits into the field. If all has not been realized that was hoped for, it is more because those expectations were unreasonable, than that the freedom of states and the rights of man have gained nothing. They have gained much, and a foundation is laid for future and boundless acquisitions.

It was early, indeed, but not without a forecast of coming events —not without a profound consideration of the mighty theme—that Mr. Clay, in the former period of his life, took such ripe views of the destiny of the South American states. He saw that it was best that their political connexion with Europe should be severed, and he was right. He saw that it was natural they should copy after the institutions of the north; and they have aimed to do so. He saw, that the social, political, and commercial connexions between North and South America, were destined to be important to all parties; and they have proved so, and are becoming more and more so. The instructions which he prepared for the representatives from the United States to the Panama congress, noticed in a former chapter, embodied a complete system of policy for all the American states, north and south, itself truly American, as opposed to those European dogmas, which are adverse to American interests, and to American rights. Though the doctrines of that letter are little known, they can not fail to attract the attention of future statesmen, as well in South America as in North, and it need not be surprising, if they should yet be adopted as a common creed among the states of this western hemisphere.

CHAPTER XII.

THE CAUSE OF GREAT EFFECTS.—MR. CLAY ON THE SEMINOLE CAMPAIGN.

The special interest of this speech arises from the fact of its having been the probable cause of important and momentous events in the history of the United States—a cause which will readily occur to those who are acquainted with the temper—as who is not?—of the eminent individual whose conduct in that campaign is made a subject of animadversion in this parliamentary effort. What other causes might have arisen in the absence of this, to prompt a vindictive and implacable mind to a course of conduct like to that which apparently grew out of this, it is impossible to say; but few will doubt that this must have had its influence.

On the 12th of January, 1819, Mr. Nelson, of Virginia, from the committee on military affairs in the house of representatives, brought in a report to that body, based upon the documents which had been laid before them respecting the events of the campaign of 1818, against the Indians in Florida, under the conduct of Major-General Andrew Jackson, and submitted the following resolution:—

"*Resolved*, That the house of representatives of the United States, disapproves the proceedings in the trial and execution of Alexander Arbuthnot and Robert C. Ambrister."

The seizure and occupation of the Spanish posts by General Jackson, under the circumstances of the case, were also disapproved in the majority report of the committee, and defended by Mr. Johnson, of Kentucky, in a report from a minority, which also vindicated the trial and execution of Arbuthnot and Ambrister. The report of the majority says: "Your committee must here, in justice to their own feelings, express their extreme regret, that it has become their duty to disapprove the conduct of one, who has, on a former occasion, so eminently contributed to the

honor and defence of the nation, as has Major-General Jackson; but the more elevated the station, the more exalted the character of the individual, the more necessary is it, by a reasonable, yet temperate expression of public opinion, through the constitutional organs, to prevent the recurrence of incidents at variance with the principles of our government and laws."

As the administration was implicated in these transactions, in having felt obliged, as the least of two evils, though with great reluctance, to sustain General Jackson, all its influence in the house was of course brought to bear against the report of the committee. The executive was placed in an embarrassing position, in being obliged to defend what it really disapproved.

The following are extracts from President Monroe's private correspondence with General Jackson on this subject, since published:—

"WASHINGTON, *July* 19, 1818.

"Your attack of the Spanish posts, and occupancy of them, particularly Pensacola, being an occurrence of the most delicate and interesting nature, &c. * * * In calling you into active service against the Seminoles, and communicating to you the orders which had been given just before to General Gaines, the views and intentions of the government were fully disclosed in respect to the operations in Florida. In transcending the limit prescribed by those orders, you acted on your own responsibility."

In another letter, in answer to a private one from General Jackson, replying to the above of July 19th, dated Washington, October 20th, 1818, Mr. Monroe says:—

"I was sorry to find you understood your instructions relative to operations in Florida, different from what we intended. I was satisfied, however, that you had good reason for your conduct, and have acted in all things on that principle."

In a letter of President Monroe, while absent from the seat of government, to Mr. Calhoun, secretary of war, dated Highland, Sept. 9, 1818, he says:—

"Our view of his [General Jackson's] powers, is decidedly different from his, on which, too, we acted without entertaining a suspicion that he would misunderstand it. I am inclined to think I had better answer his letter immediately. [The answer is that of October 20th, as above.] He may expect that his conception of his orders should appear by document in the department; and it seems to be proper, that the sense in which they were given, and understood by the department, *after what has passed*, should be recorded there. A communication between you and him, on this head,

and in this stage, seems to be the more necessary, *from the presumption, that it may be my duty to state to Congress, that he transcended his orders, on his own responsibility;* or at least, to state the sense in which they were understood by us. At present, nothing to this effect exists in your correspondence with him. It is in mine only, which is private."

The Hon. Wm. H. Crawford, who was a member of Mr. Monroe's cabinet at the time, says in a letter to Mr. Forsyth, dated at Woodlawn, April 30, 1830:—

"Mr. Calhoun's proposition in the cabinet, was, that General Jackson should be punished in some form, or reprimanded in some form."

From these incidental items of history, it will be seen, first, that General Jackson had transcended his orders, and acted on his own responsibility; next, that President Monroe and his cabinet were much embarrassed in their management of foreign relations with Spain, on that account; thirdly, that President Monroe, in a private correspondence, had plainly announced to General Jackson the position he occupied in this matter; fourthly, that when Mr. Monroe wrote to Mr. Calhoun, September 19th, as above, he seriously entertained the feeling, that it might be his duty to represent the case, as it was, to Congress; but fifthly, it appears from the result, that the administration, on the whole, concluded to assume the responsibility, and make the best of it.

But there have been some more recent, though as yet partial, disclosures, on this subject, which are worthy of note. An attempt was made in the Washington Globe, in 1832—of course under the eye and sanction of General Jackson, as that paper was his organ—to fasten the responsibility of all General Jackson's transactions in Florida on Mr. Monroe, by claiming, that the general acted under Mr. Monroe's secret orders. If such were the fact, Mr. Monroe's truthfulness, not less than his consistency, is at stake, and an everlasting aspersion would attach itself to his hitherto spotless fame. As the natural, and it is presumed, constituted guardian of his father-in-law's reputation, S. L. Gouverneur, Esq., addressed a letter on this occasion to Mr. Blair, editor of the Globe, of which the following are extracts:—

"I can readily suppose, that transcendant obligations of feeling and duty imposed upon me, under circumstances of the most sacred nature, are yet unknown to you.

* * * * * * * * *

"I have followed the progress of this discussion to a point, where I had earnestly hoped it would never reach—to a point where it becomes imperative upon the representatives of Mr. Monroe, boldly to challenge the evidence on which insinuations against his purity and honor are made and repeated, or to suffer, without an effort to arrest it, that his character be shaded by imputations of the most decided duplicity, and the most contemptible evasions.

* * * * * * * *

"You distinctly charge, that in conducting the Seminole war, General Jackson was in fact acting under the secret orders of the government. It is impossible not to observe, that although not personally named, it must be the undoubted inference, that he was in possession of secret orders from Mr. Monroe, directly at variance with those which were made known to the public; that while Mr. Monroe disavowed before the world his [General Jackson's] conduct in Florida, as transcending his instructions, but the merits of which he fully acknowledged, the motives of which he never called in question, and which for good and sufficient reasons, he chose to sustain—he had privately encouraged and promoted the very acts which he subsequently disapproved; that he suffered General Jackson to bear the brunt of an investigation of the most painful character, for an alleged high offence against the constitution and laws, when he himself had made him his own instrument for a palpable violation of both, and withheld from him the means of a triumphant defence. It is a solemn charge and ought to be gravely considered. If it is not your intention to make it clear, the matter from which it inevitably springs, deserves your correction. If, on the contrary, you intend and think you can sustain it, I CHALLENGE THE INVESTIGATION.

* * * * * * * *

"*Being myself possessed of many valuable documents, fully illustrative of the facts in question*, I shall feel it incumbent upon me, upon a proper intimation, by a frank exposition of their contents, to contribute to a fair distribution of justice to all."

This letter was signed, Samuel L. Gouverneur, New York, June 15, 1832, and was in answer to an article in the Globe, of the 9th of the same month. Mr. Blair replied in a letter over his own signature, dated Washington, June 20, 1832, of which the following is an extract:—

"But there is *another circumstance* much more decisive on this point. The individual who communicated to General Jackson Mr. Monroe's purpose as to the mode of carrying into effect his public orders, *invited by letter*, as I have understood, the attention of the latter [Mr. Monroe] to the fact alluded to in the article of the Globe, and *presented to him all the particulars of the transa-*

tion, with an inquiry as to his recollection on the subject. With this gentleman, then, if there were any certainty of opinion, in regard to the fact stated by him, the issue should have been made, and not with me, merely repeating what this individual, cognizant of all the circumstances, had asserted, *without contradiction.*"

Mr. Blair says: "This letter closes our correspondence." Mr. Gouverneur, in a reply, of July 3, says: "I can not permit it. . . You may strike, but you must hear. . . . I requested you to state, whether it was your intention, that it should be inferred from the words I had noted, that, in conducting the Seminole war, General Jackson was in possession of *secret* orders from Mr. Monroe, at variance with those which had issued from the department of war, and were made known to the public?

* * * * * * *

"In speaking of *instructions*, you will of course understand me distinctly as referring to those which had issued from the war department. *I say there were none other.* Do you not observe, then, the difficulty into which you would plunge? In contending that he was in fact acting under *secret* orders, do you not imply the admission that he transcended his public instructions? If not, why are they brought to their aid?

* * * * * * * *

"But you say there is another circumstance much more decisive, and refer me to a *certain* letter, written by a *certain* individual, calling the attention of Mr. Monroe to the fact alluded to—and from the pointed manner in which you mark the fact [by underscoring it] which you assume to be true—that it is '*without contradiction*'—you seem to infer that, because it is without contradiction, it may be made to sustain your position. Retaining the strong desire, to which I have adverted, not to refer, unless it becomes my duty so to do, to anything *private*, I still owe to you a candid reply to the remark which you have made: *There is no shape, in which the fact alluded to, has ever reached the eye, or ear, of Mr. Monroe, that it has not been* CONTRADICTED. It is as his representative, and upon his AUTHORITY, that I contradict it; and that you may at least do some justice to my motives and views, I do not hesitate to add, it is under circumstances of a *sacred duty*, that I do contradict it. I have every personal motive to be silent. I am *bound* to speak."

The New York Courier and Enquirer, of Oct. 1, 1832, in which this correspondence appears, says:—

"Issue has been fearlessly joined upon this fearful question, which on one side involves the official acts of Mr. Monroe, and his memory as an honorable man—and on the other, the reputation and character of Andrew Jackson."

There are two points in this correspondence, connected with facts yet unrevealed, which are of importance. Mr. Blair speaks of a certain "individual," with a distinct intimation, that he was the agent of "secret orders" between Mr. Monroe and General Jackson, and that this individual "invited by letter the attention of Mr. Monroe to the FACT alluded to in the article of the Globe," &c., concluding with another intimation, that this call of Mr. Monroe's attention to the said FACT, remains "*without contradiction.*" The second point is, Mr. Gouverneur's averment, in the most solemn form, that it does NOT remain without contradiction. This intimation of Mr. Gouverneur of the existence of evidence on this point, which he could not volunteer, and which he holds in reserve for the vindication of Mr. Monroe, arrested the movement, and there it stands.

The matters half disclosed in this correspondence, but yet in fact unrevealed, involve denominations of offence, which belong to the criminal code. It will be for those concerned to show what they are, on a fit occasion.

The fact was, that the Hon. John Q. Adams was the only man in Mr. Monroe's cabinet, who vindicated General Jackson, as to his Seminole operations, in the particulars in which he was alleged to have "transcended his orders." His principle was, that having ordered the army *over* the line, in pursuit of the enemy, the government was responsible to Spain for all the American general did in that field, in the use of his best discretion, and that, to justify the government toward Spain, it was necessary to sustain General Jackson *in toto*. But in the cabinet meetings on this subject, from the 13th to the 21st of July, 1818, inclusive of these dates—those meetings having been seven in all—Mr. Adams stood ALONE against the president and the other members, in support of General Jackson. The argument was chiefly carried on between Mr. Adams and the secretary of war, Mr. Calhoun, the rest assenting to Mr. Calhoun's reasonings. The cabinet were unanimous, with the exception of Mr. Adams. Mr. Calhoun thought, tha General Jackson wanted war—that he had actually *committed* war against Spain. Mr. Monroe proposed to Mr. Adams to write an article for the National Intelligencer, declaratory of his (the president's) views on this subject. Mr. Adams declined, on the ground, that it was not his own position; and Mr. Wirt prepared the article, which, after having been read to the cabinet, was published in

the National Intelligencer, July 28, 1818, of which the following are extracts :—

"The president of the United States has, we understand, decided, that Pensacola, and the other Spanish posts, which have been taken by General Jackson, in the Floridas, shall be restored to the Spanish authority." * * *

In speaking of the *fourth* order to enter the Floridas, after the Indian massacre, in pursuit of the enemy, it is added: "By the same order he [the general] was *expressly commanded*, if the Indians should take refuge under a Spanish fort, *not* to attack them in that situation, but to report the case to the department of war. Such has been the delicacy observed by the United States toward Spain; and no subsequent order, it is understood, has been issued, to *enlarge* the authority of the American general.

"In attacking the posts of St. Marks and Pensacola, with the fort of Barrancas, General Jackson, it is understood, acted on facts, which were, for the first time, brought to his knowledge, on the immediate theatre of war—facts, which, in his estimation, implicated the Spanish authorities in that quarter, as the instigators and auxiliaries of the war; *and he took those measures on his own responsibility merely.* That his operations proceeded from motives of the purest patriotism, and from his conviction, that, in seizing and holding those posts, he was justified by the necessity of the case, and was advancing the best interests of the country, the character of General Jackson forbids a doubt. Of the important facts alleged by him, satisfactory proof, it is understood, has been already furnished to the president, and proof of the other facts is confidently expected."

It will be found, that this document, occupying two columns of the paper, is an able and cautious exposition of the ground intended to be occupied by the president toward Spain, as well as toward General Jackson. He was apparently convinced, by the argument of Mr. Adams, that the general must be sustained, for public and national purposes toward Spain, though it was manifestly against his own personal feelings on the subject. Mr. Monroe's subsequent annual message corresponded with this paper published in July, as may be supposed, for the eye of the Spanish minister, and the public.

The position taken by General Jackson, on the question of annexing Texas, in 1844, was supposed to reflect a disapprobation of Mr. Monroe's treaty of cession in 1819, in consequence of which, his son-in-law, Mr. Gouverneur, published an article in the National Intelligencer, December 24, 1844, of which the following is a part :—

"Its [the treaty's] provisions were the subjects of friendly consultation with Jefferson and Madison, names identified with no concession unworthy of their country; and the policy dictated, especially as to boundaries, has the *written* approbation of Jackson, well versed in the localities of a territory to which they refer, then lately the scene of military services distinguished by high personal responsibility, which gave him new claims to the grateful recollections of his country."

When Mr. Gouverneur was called on for this "*written* approbation," he produced the following letter from Andrew Jackson to James Monroe:—

"HERMITAGE (NEAR NASHVILLE), *June* 20, 1820.

"DEAR SIR: I returned from my tour to the south and southeast on the evening of the 18th instant, when I received your very friendly and interesting letter of the 23d of May last, which I have read with interest and attention. On its perusal and consideration I have determined to remain in service until the situation of Europe fully develops itself, and our affairs with Spain are brought to a final close.

"Although retirement has been and still is the first object of my wishes, yet so long as it is believed that my military service may conduce to the benefit of my country in any way, my exertions belong to her. I have hitherto made, and it is still my duty as a patriot to make, my private interest and views subservient to my country's good. I have, therefore, upon due consideration and reflection on the subject matter of your interesting letter, resolved not to retire from service so long as my continuing may promote the welfare, safety, and happiness of our country. I am well aware, as soon as you believe the situation of our affairs will permit of my retiring without injury to our country, you will notify me thereof, and permit me to retire. Until then, my private wishes and feelings must bend to what it may be conceived will promote the public good.

"The view you have taken of the conduct pursued by our government relative to South America, in my opinion, has been both just and proper, and will be approved by nine tenths of the nation. It is true, it has been attempted to be wielded by certain demagogues to the injury of the administration, but, like all other base attempts, has recoiled on its authors; and I am clearly of your opinion that, for the present, *we ought to be content with the Floridas*—fortify them, *concentrate our population, confine our frontier to proper limits, until our country, to those limits, is filled with a dense population. It is the denseness of our population that gives strength and security to our frontier.* With the Floridas in our possession, our fortifications completed, *Orleans*, the great empo

rium of the west, is secure. The Floridas in possession of a foreign power, you can be invaded, your fortifications turned, the Mississippi reached, and the lower country reduced. *From Texas, an invading enemy will never attempt such an enterprise; if he does, notwithstanding all that has been said and asserted on the floor of Congress on this subject, I will vouch that the invader will pay for his temerity.*

"Present Mrs. Jackson and myself to Mrs. Monroe and your daughters and Mr. Gouverneur affectionately, and receive for yourself our best wishes for your happiness through this life, and that of your amiable family; and believe me to be, with high respect and esteem, your most obedient servant,

"ANDREW JACKSON.

"JAMES MONROE, *President U. S.*"

So far as the questions arising out of the Seminole campaign regarded Spain, inasmuch as Mr. Monroe had promptly ordered the surrender of the Spanish posts, taken by General Jackson, to the Spanish authorities, Congress, and Mr. Clay, were disposed to sustain the administration. But the execution of two Indian chiefs, who had been decoyed and taken by a false flag, and of Arbuthnot and Ambrister, in connexion with the unauthorized taking of the Spanish posts, were regarded by numerous members of both houses of Congress, as worthy of reprehension. An animated debate on the resolution reported by the committee on military affairs, above copied, was maintained about twenty days in committee of the whole, in the house of representatives, in which thirty-one members participated. Mr. Clay delivered two speeches, only one of which, the first, was reported. He opened this address, January 17, 1819, as follows:—

"Mr. CHAIRMAN: In rising to address you, sir, on the very interesting subject which now engages the attention of Congress, I must be allowed to say, that all inferences drawn from the course which it will be my painful duty to take in this discussion, of unfriendliness either to the chief magistrate of the country, or to the illustrious military chieftain whose operations are under investigation, will be wholly unfounded. Toward that distinguished captain, who shed so much glory on our country, whose renown constitutes so great a portion of its moral property, I never had, I never can have, any other feelings than those of the most profound respect, and of the utmost kindness. With him my acquaintance is very limited; but, so far as it has extended, it has been of the most amicable kind. I know the motives which have been, and which will again be, attributed to me, in regard to the

other exalted personage alluded to. They have been and will be unfounded. I have no interest, other than that of seeing the concerns of my country well and happily administered. It is infinitely more gratifying to behold the prosperity of my country advancing by the wisdom of the measures adopted to promote it, than it would be to expose the errors which may be committed, if there be any, in the conduct of its affairs. Little as has been my experience in public life, it has been sufficient to teach me that the most humble station is surrounded by difficulties and embarrassments. Rather than throw obstructions in the way of the president, I would precede him, and pick out those, if I could, which might jostle him in his progress; I would sympathize with him in his embarrassments, and commiserate with him in his misfortunes. It is true that it has been my mortification to differ from that gentleman on several occasions. I may be again reluctantly compelled to differ from him; but I will, with the utmost sincerity, assure the committee, that I have formed no resolution, come under no engagements, and that I never will form any resolution, or contract any engagements, for systematic opposition to his administration, or to that of any other chief magistrate.

"I beg leave further to premise, that the subject under consideration presents two distinct aspects, susceptible, in my judgment, of the most clear and precise discrimination. The one I will call its foreign, the other its domestic aspect. In regard to the first, I will say, that I approve entirely of the conduct of our government, and that Spain has no cause of complaint. Having violated an important stipulation of the treaty of 1795, that power has justly subjected herself to all the consequences which ensued upon the entry into her dominions, and it belongs not to her to complain of those measures which resulted from her breach of contract; still less has she a right to examine into the considerations connected with the domestic aspect of the subject.

"What are the propositions before the committee? The first in order, is that reported by the military committee, which asserts the disapprobation of this house, of the proceedings in the trial and execution of Arbuthnot and Ambrister. The second, being the first contained in the proposed amendment, is the consequence of that disapprobation, and contemplates the passage of a law to prohibit the execution hereafter of any captive, taken by the army, without the approbation of the president. The third proposition is, that this house disapproves of the forcible seizure of the Spanish posts, as contrary to orders, and in violation of the constitution. The fourth proposition, as the result of the last, is, that a law shall pass to prohibit the march of the army of the United States, or any corps of it, into any foreign territory, without the previous authorization of Congress, except it be in fresh pursuit of a defeated enemy. The first and third are general propositions,

declaring the sense of the house in regard to the evils pointed out; and the second and fourth propose the legislative remedies against the recurrence of those evils.

"It will be at once perceived, by this simple statement of the propositions, that no other censure is proposed against General Jackson himself, than what is merely consequential. His name even does not appear in any of the resolutions. The legislature of the country, in reviewing the state of the Union, and considering the events which have transpired since its last meeting, finds that particular occurrences, of the greatest moment, in many respects, have taken place near our southern border. I will add, that the house has not sought, by any officious interference with the doings of the executive, to gain jurisdiction over this matter. The president, in his message at the opening of the session, communicated the very information on which it was proposed to act. I would ask, for what purpose? That we should fold our arms and yield a tacit acquiescence, even if we supposed that information disclosed alarming events, not merely as it regards the peace of the country, but in respect to its constitution and character? Impossible. In communicating these papers, and voluntarily calling the attention of Congress to the subject, the president must himself have intended, that we should apply any remedy that we might be able to devise. Having the subject thus regularly and fairly before us, and proposing merely to collect the sense of the house upon certain important transactions which it discloses, with the view to the passage of such laws as may be demanded by the public interest, I repeat, that there is no censure anywhere, except such as is strictly consequential upon our legislative action. The supposition of every new law, having for its object to prevent the recurrence of evil, is, that something has happened which ought not to have taken place, and no other than this indirect sort of censure will flow from the resolutions before the committee.

"Having thus given my view of the nature and character of the propositions under consideration, I am far from intimating that it is not my purpose to go into a full, a free, and a thorough investigation of the facts, and of the principles of law, public, municipal, and constitutional, involved in them. And, while I trust I shall speak with the decorum due to the distinguished officers of the government, whose proceedings are to be examined, I shall exercise the independence which belongs to me as a representative of the people, in freely and fully submitting my sentiments."

Mr. Clay first takes up the treaty of Fort Jackson, of August, 1814, which he regarded as the cause of the war. After reading enough of it to show its character, he said:—

"I have never perused this instrument until within a few days past, and I have read it with the deepest mortification and regret.

A more dictatorial spirit I have never seen displayed in any instrument. I would challenge an examination of all the records of diplomacy, not excepting even those in the most haughty period of imperial Rome, when she was carrying her arms into the barbarian nations that surrounded her, and I do not believe a solitary instance can be found of such an inexorable spirit of domination pervading a compact purporting to be a treaty of *peace*. It consists of the most severe and humiliating *demands*—of the surrender of a large territory—of the privilege of making roads through the remnant which was retained—of the right of establishing trading-houses—of the obligation of delivering into our hands their *prophets!* And all this of a wretched people reduced to the last extremity of distress, whose miserable existence we have to preserve by a voluntary stipulation to furnish them with bread! When did all-conquering and desolating Rome ever fail to respect the altars and the gods of those whom she subjugated? Let me not be told that these prophets were imposters, who deceived the Indians. They were *their* prophets; the Indians believed and venerated them, and it is not for us to dictate a religious belief to them. It does not belong to the holy character of the religion which we profess, to carry its precepts, by the force of the bayonet, into the bosoms of other people. Mild and gentle persuasion was the great instrument employed by the meek founder of our religion. We leave to the humane and benevolent efforts of the reverend professors of Christianity to convert from barbarism those unhappy nations yet immersed in its gloom. But, sir, spare them their prophets! spare their delusions! spare their prejudices and superstitions! spare them even their religion, such as it is, from open and cruel violence. When, sir, was that treaty concluded? On the very day after the protocol was signed, of the first conference between the American and British commissioners, treating of peace, at Ghent. In the course of that negotiation, pretensions so enormous were set up by the other party, that, when they were promulgated in this country, there was one general burst of indignation throughout the continent. Faction itself was silenced, and the firm and unanimous determination of all parties was, to fight until the last man fell in the ditch, rather than submit to such ignominious terms. What a contrast is exhibited between the contemporaneous scenes of Ghent and of Fort Jackson! What a powerful voucher would the British commissioners have been furnished with, if they could have got hold of that treaty!"

It can not but be seen, that the materials of this debate had a direct and powerful bearing on the commanding general, who had assumed the responsibility, and committed the acts which the resolution submitted to the house by the committee on military affairs.

aimed to disapprove. As already seen, the same conduct, or parts of it, had been disapproved by the executive branch of the government, in its secret sessions, almost unanimously. It appears by the private correspondence between the president and secretary of war, that the former had seriously thought of expressing this disapprobation in his message to Congress. It is also clearly conveyed in the publication in the National Intelligencer, of July 28, 1818, which was prepared by Mr. Wirt at the request of the president, read at a cabinet meeting, and published under executive sanction. But Mr. Adams's reasonings, not in positive vindication of the general, but for the defence of the government of the United States against that of Spain, prevailed, and the president was reluctantly compelled, in his public and official acts, to connive at that which he disapproved, in order to maintain his position in relation to the Spanish government. He had authorized the army to enter Spanish territory under specific orders; those orders had been "transcended," to use his own language; and Mr. Adams maintained, that this overstepping of orders, in the commanding general—however it might be a just ground of censure on the agent, for the act, as between him and his government—could not be pleaded, as between the government of the United States and that of Spain, as an answer to the complaint of the latter; that Spain could, and probably would, hold the government of the United States responsible for each and every act of its agents, whether done in obedience to orders or not. Spain had been derelict of duty, in not preventing her Indians from doing injury to citizens of the United States, as bound by treaty; the government of the United States, in defence of its own jurisdiction, had assumed to do that which Spain had engaged to do, but failed in fulfilling; in the accomplishment of this object of self-defence, the agent of the United States had "transcended" his orders, which was a matter between him and his own government; but Mr. Adams, if the author rightly apprehends his position on that occasion, maintained, with apparently unanswerable reasons, that, as between the two governments in controversy, no blame could be attached to the United States; that the neglect of fulfilling treaty stipulations on the part of Spain, had compelled the United States, in self-defence, to pass into her jurisdiction, in pursuit of a foe; that any deviation from orders on the part of agents of the United States, in executing this duty, was incidental to the main question, and ought not to affect it; and that the government of the United States,

having, for good and defensible reasons, ordered its forces into the Spanish territory, was bound to defend the campaign in whole and in part, as between itself and the Spanish government. All that could be required of the president of the United States, in the way of satisfaction to Spain, was to restore the Spanish posts, which had been taken contrary to orders. This was immediately done.

It is evident, therefore, from this view of the case, that the responsibility of the government of the United States to Spain, is distinct and separate from that of General Jackson to the authority under which he acted, and that the justification of his government is not identical with his own justification; but that the latter remained an open question for the consideration of the proper authorities. It was on this ground, that the resolution cited at the head of this chapter, was reported to the house, and came under debate. The president, in his message, had communicated the facts to Congress, and in that way, submitted them to such action of the legislative department, as they, in their wisdom and sense of duty, might think proper to institute. It was impossible they should overlook them—for they were remarkable and unprecedented. "In communicating these papers," said Mr. Clay, "and voluntarily calling the attention of Congress to the subject, the president himself must have intended, that we should apply any remedy that we might be able to devise."

The earnest disavowal of Mr. Clay, in the opening of his speech on this resolution, of all personal disrespect to the president and the general, was not uncalled for, in this place, as he professed to feel, that he had a duty to perform to the constitution and to the country, altogether paramount to these personal and minor relations. He had differed, and was at this moment in the midst of a difference, with the president, on the question of recognising the independence of the South American states, as also on the question of internal improvements—which was painful. But it can not, with truth, be said, that Mr. Clay differed with Mr. Monroe in these matters of the Seminole campaign. It has been seen that they agreed, at least, on the point of restoring the Spanish posts; and doubtless they agreed on the other points. But the president, for reasons already stated, had concluded not to make any communication to Congress that would put General Jackson on his trial, but to stop after defending the government of the United States against Spain. He had, however, left all the facts in the hands of Congress, to deal with them according to their sense of public

duty. Both branches of Congress, in the reports of their committees, agreed, that they were fit subjects of animadversion.

The treaty of Fort Jackson, itself dictated by General Jackson, as commissioner, is fairly represented by Mr. Clay, in the passage of his speech above cited. It can not be read but with feelings of mortification and profound sympathy. A governor of the state of Georgia declared it as his opinion, that it was the cause of the Seminole war of that time. But when General Jackson was called to the field, it was too late to remedy the faults of this treaty, or its unfortunate consequences. "The fatal blow," said Mr. Clay, "had been struck, in the destruction of Fowltown, and in the dreadful massacre of Lieutenant Scott and his detachment; and the only duty which remained to him [General Jackson], was to terminate this unhappy contest." Mr. Clay continued:—

"The first circumstance which, in the course of his performing that duty, fixed our attention, has filled me with regret. It was the execution of the Indian chiefs. How, I ask, did they come into our possession? Was it in the course of fair, and open, and honorable war? No; but by means of deception—by hoisting foreign colors on the staff from which the stars and stripes should alone have floated. Thus ensnared, the Indians were taken on shore; and without ceremony, and without delay, were hung. Hang an Indian!

* * * * * * * *

"But, sir, I have said that you have no right to practise, under color of retaliation, enormities on the Indians. I will advance in support of this position, as applicable to the origin of all law, the principle, that whatever has been the custom, from the commencement of a subject, whatever has been the uniform usage, coeval and coexistent with the subject to which it relates, becomes its fixed law. Such is the foundation of all common law; and such, I believe, is the principal foundation of all public or international law. If, then, it can be shown that from the first settlement of the colonies, on this part of the American continent, to the present time, we have constantly abstained from retaliating upon the Indians the excesses practised by them toward us, we are morally bound by this invariable usage, and can not lawfully change it without the most cogent reasons. So far as my knowledge extends, from the first settlement at Plymouth or at Jamestown, it has not been our practice to destroy Indian captives, combatants or non-combatants. I know of but one deviation from the code which regulates the warfare between civilized communities, and that was the destruction of Indian towns, which was supposed to be authorized upon the ground that we could not bring the war to a termination but by destroying the means which nourished it. With this

single exception, the other principles of the laws of civilized nations are extended to them, and are thus made law in regard to them. When did this humane custom, by which, in consideration of their ignorance, and our enlightened condition, the rigors of war were mitigated, begin? At a time when we were weak, and they comparatively strong; when they were the lords of the soil, and we were seeking, from the vices, from the corruptions, from the religious intolerance, and from the oppressions of Europe, to gain an asylum among them. And when is it proposed to change this custom, to substitute for it the bloody maxims of barbarous ages, and to interpolate the Indian public law with revolting cruelties? At a time when the situation of the two parties is totally changed—when we are powerful and they are weak—at a time when, to use a figure drawn from their own sublime eloquence, the poor children of the forest have been driven by the great wave which has flowed in from the Atlantic ocean almost to the base of the Rocky mountains, and overwhelming them in its terrible progress, has left no other remains of hundreds of tribes, now extinct, than those which indicate the remote existence of their former companion, the mammoth of the new world! Yes, sir, it is at this auspicious period of our country, when we hold a proud and lofty station among the first nations of the world, that we are called upon to sanction a departure from the established laws and usages which have regulated our Indian hostilities. And does the honorable gentleman from Massachusetts expect, in this august body, this enlightened assembly of Christians and Americans, by glowing appeals to our passions, to make us forget our principles, our religion, our clemency, and our humanity? Why is it that we have not practised toward the Indian tribes the right of retaliation, now for the first time asserted in regard to them? It is because it is a principle proclaimed by reason, and enforced by every respectable writer on the law of nations, that retaliation is only justifiable as calculated to produce *effect* in the war. Vengeance is a new motive for resorting to it. If retaliation will produce no effect on the enemy, we are bound to abstain from it by every consideration of humanity and of justice. Will it then produce effect on the Indian tribes? No; they care not about the execution of those of their warriors who are taken captive. They are considered as disgraced by the very circumstance of their captivity, and it is often mercy to the unhappy captive to deprive him of his existence. The poet evinced a profound knowledge of the Indian character, when he put into the mouth of the son of a distinguished chief, about to be led to the stake and tortured by his victorious enemy, the words:—

> 'Begin, ye tormentors! your threats are in vain:
> The son of Alknomook will never complain.'"

But the execution of Arbuthnot and Ambrister, whose case is mentioned in the resolution of the committee reported to the house

as a subject of disapprobation—and which is the only subject of censure embodied in this resolution—is a case of peculiar atrocity, in view of all existing law. These men claimed to be British subjects—probably they were. It is also understood, that they were traders with the Indians. For the question at issue, it may be granted, that they identified themselves with the Seminoles, as enemies of the United States, and did all they could, by their advice, and by any means in their power, to aid and give the Indians succor. The question is, whether they were lawfully, or unlawfully executed? It is obvious at first sight, from their position and relations, as identified with the enemy, that, having fallen into the hands of the American general, they could only be held and treated as prisoners-of-war, to be disposed of as the proper authorities should afterward determine. There was no other existing or known law for such a case. But the commanding general saw fit to cause them to be arraigned before a court-martial, which was detailed for that purpose, and to be tried on certain charges and specifications. This, as can not fail to be seen, was an arrogation of unlawful power, inasmuch as the prisoners, the moment they became such, were in the hands of the civil law, and could not be touched by the martial code. The organization of this court, however, was a pretence of proceeding according to the rules and articles of war. It is no matter what the sentence of the court was. It must be unlawful, since the prisoners were not amenable to it. But, in regard to one of them, Ambrister, not being satisfactory to the commanding general, it was by him arbitrarily set aside, and Ambrister was ordered to execution! and was executed! It would have been equally lawful, if both had been put to death without sentence.

In the orders given for the execution of these men, the general said, that "it is an established principle of the law of nations, that any individual of a nation making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate." This, then, being the general's own interpretation of the law of nations—a law, by-the-by, which knows nothing of capital punishment for individuals—was the rule under which these men suffered death!—a law made for the occasion! In his letter to the secretary of war, the general says: "These individuals were tried under my orders, *legally* convicted as exciters of this savage and negro war, *legally* condemned, and most justly punished for their iniquities." "The Lord deliver us," says Mr. Clay, "from such *legal* conviction, and such *legal*

condemnation! I know but little of military law; and what has happened, has certainly not created in me a taste for acquiring a knowledge of more!"

So far is the principle on which these unfortunate men suffered, from being a correct one, it is a well-known practice for the subjects of one government to enter into the military service of another, and be found fighting against a nation with which their own is at peace. If the law of nations applies to such cases at all, it extends to them all the recognised rights of prisoners-of-war, if they fall into the hands of their opponents in the field. When Great Britain was at peace with Spain, troops composed of British subjects were raised in England, and sailed openly from London, to join those held by the law as rebels, to fight against the government of Spain, and to dethrone legitimacy. Did they expect, if taken prisoners, to be hung as "outlaws and pirates?" On the same principle, in case of war between the United States and any nation with which Great Britain is at peace, every adopted citizen of the United States, that was born a British subject, being always claimed as such, could be lawfully hanged, if taken prisoner, on land or water. This doctrine of perpetual allegiance, is not peculiar to Great Britain, but is claimed by other nations of Europe, and the operation of the principle, now under consideration, would be the same in all such cases. If every exciter of war in countries foreign to his own, is to be held and treated "as an outlaw and a pirate," by the third party, what is to become of American sympathisers with the southern republics, while they were in rebellion against the parent state? or what will be the fate of those who built ships at Fell's Point, Baltimore, for the patriots, if they should happen to be caught in Spain? What, under this rule, will become of those Americans who made speeches in Congress in favor of Greece, and others who aided her, in rebellion against the Sublime Porte, if they should happen to visit Constantinople? On this principle, Napoleon might have treated William Pitt, the prime minister of England, "as an outlaw and a pirate," if the minister, who had caused the emperor more trouble, by stirring up wars in Europe against him, than any other man, had happened to fall into his hands. Napoleon did indeed order the Duke d'Enghien to be shot without law, and the world will never pardon him for it. Will those American citizens, who aided the Texans in their struggles against Mexico, consent to be treated "as outlaws and pirates," when they happen to be found beyond the Rio del Norte? It will

not, surely, be said, that the Indian tribes have no right to make war, when every treaty between them and the United States recognises that prerogative. Who, then, can atone to the laws of the civilized world, for the execution of Arbuthnot and Ambrister?

Mr. Clay said:

"However guilty these men were, they should not have been condemned or executed without the authority of the law. I will not dwell, at this time, on the effect of these precedents in foreign countries; but I shall not pass unnoticed their dangerous influence in our own country. Bad examples are generally set in the cases of bad men, and often remote from the central government. It was in the provinces that were laid the abuses and the seeds of the ambitious projects which overturned the liberties of Rome. I beseech the committee not to be so captivated with the charms of eloquence, and the appeals made to our passions and our sympathies, as to forget the fundamental principles of our government. The influence of a bad example will often be felt, when its authors and all the circumstances connected with it are no longer remembered. I know of but one analogous instance of the execution of a prisoner, and that has brought more odium than almost any other incident on the unhappy emperor of France. I allude to the instance of the execution of the unfortunate member of the Bourbon house. He sought an asylum in the territories of Baden. Bonaparte despatched a corps of gen-d'armes to the place of his retreat, seized him, and brought him to the dungeons of Vincennes. He was there tried by a court-martial, condemned, and shot. There, as here, was a violation of neutral territory; there, the neutral ground was not stained with the blood of him whom it should have protected. And there is another most unfortunate difference for the American people. The Duke d'Enghien was executed *according to his sentence.* It is said by the defenders of Napoleon, that the duke had been machinating, not merely to overturn the French government, but against the life of its chief. If that were true, he might, if taken in France, have been legally executed. Such was the odium brought upon the instruments of this transaction, that those persons who have been even suspected of participation in it, have sought to vindicate themselves from what they appear to have considered as an aspersion, before foreign courts."

Surely, after the generous construction, which had been put by Mr. Clay on the *motives* of General Jackson for *acts* of the kind noticed by him on this occasion, in addition to that which was comprehended in the resolution before the house, a not less generous allowance should be extended to the discharge of that duty, to which Mr. Clay professed to feel himself constrained, in vindi-

cation of the rights of humanity, the usages of civilized society, the laws of the land, and the constitution of the republic, all which he considered had been violated. Could General Jackson expect, that the responsibility assumed by him, should receive any other sanction than an approval of his motives in the use of such extraordinary, unconstitutional, and dangerous powers, in hanging the Indian chiefs, in the execution of Arbuthnot and Ambrister, and in taking the Spanish posts—all in violation of law and precedent, and a part in violation of positive orders? He claimed to have done it all for the good of the country, and it was generously admitted he did. Some may have put a less charitable construction upon it since that time, in view of other transactions of the life of the same individual. But the constitution, the laws, and the usages of civilized and mitigated war, could not be bartered with a compliment. There were at least some who felt, that these claimed a vindication so much the more emphatic and decisive, when the acts which violated them were sustained in consideration of the motives and peculiar circumstances of the case. The committee who reported the resolution, and Mr. Clay also, disavowed the design of passing censure on the general; they only proposed, as a duty to the constitution, to the laws, and to the country, to disapprove the *acts*, and to record this disapprobation as a bar to their being drawn in precedent as authority for other public agents, or captains, in future time. But the general and his friends vindicated the acts as *lawful!*

The acts of invading and reducing the Spanish posts, after Congress had been advised by a message from the president, that no such thing would be done—another proof that no such orders were given—are then noticed by Mr. Clay, the last of which is recited by him as follows:—

"On the 23d of May, on his way home, he receives a letter from the commandant of Pensacola, intimating his surprise at the invasion of the Spanish territory, and the acts of hostility performed by the American army, and his determination, if persisted in, to employ force to repel them. Let us pause and examine the proceeding of the governor, so very hostile and affrontive in the view of General Jackson. Recollect that he was governor of Florida; that he had received no orders from his superiors, to allow a passage to the American army; that he had heard of the reduction of St. Marks; and that General Jackson, at the head of his army, was approaching in the direction of Pensacola. He had seen the president's message of the 25th of March, and reminded

General Jackson of it, to satisfy him that the American government could not have authorized all those measures. I can not read the allusion made by the governor to that message, without feeling that the charge of insincerity, which it implied, had at least but too much the appearance of truth in it. Could the governor have done less than write some such letter? We have only to reverse situations, and to suppose him to have been an American governor. General Jackson says, that when he received that letter, he no longer hesitated. No, sir, he did no longer hesitate. He received it on the 23d, he was in Pensacola on the 24th, and immediately after set himself before the fortress of San Carlos de Barancas, which he shortly reduced. *Veni, vidi, vici.* Wonderful energy! Admirable promptitude! Alas, that it had not been an energy and a promptitude within the pale of the constitution, and according to the orders of the chief magistrate. It is impossible to give any definition of war, that would not comprehend these acts. It was open, undisguised, and unauthorized hostility."

In reply to Mr. Holmes, of Massachusetts, Mr. Clay said .—

"The gentleman from Massachusetts will pardon me for saying, that he has undertaken what even his talents are not competent to —the maintenance of directly contradictory propositions, that it was right in General Jackson to take Pensacola, and wrong in the president to keep it. The gentleman has made a greater mistake than he supposes General Jackson to have done in attacking Pensacola for an Indian town, by attempting the defence both of the president and General Jackson. If it were right in him to seize the place, it is impossible that it should have been right in the president immediately to surrender it. We, sir, are the supporters of the president. We regret that we can not support General Jackson also. The gentleman's liberality is more comprehensive than ours. I approve with all my heart of the restoration of Pensacola. I think St. Marks ought, perhaps, to have been also restored; but I say this with doubt and diffidence. That the president thought the seizure of the Spanish posts was an act of war, is manifest from his opening message, in which he says, that to have retained them, would have changed our relations with Spain, to do which the power of the executive was incompetent Congress alone possessing it. The president has, in this instance, deserved well of his country. He has taken the only course which he could have pursued, consistent with the constitution of the land. And I defy the gentleman to make good both his positions, that the general was right in taking, and the president right in giving up, the posts.

[Mr. Holmes explained. We took those posts, he said, to keep them from the hands of the enemy, and, in restoring them, made it a condition that Spain should not let our enemy have them. We said to her, "Here is your dagger; we found it in the hands of

our enemy, and, having wrested it from him, we restore it to you, in the hope that you will take better care of it for the future."]

"The gentleman from Massachusetts is truly unfortunate; fact or principle is always against him. The Spanish posts were not in the possession of the enemy. One old Indian only was found in the Barancas, none in Pensacola, none in St. Marks. There was not even the color of a threat of Indian occupation as it regards Pensacola and the Barancas. Pensacola was to be restored unconditionally, and might, therefore, immediately have come into the possession of the Indians, if they had the power and the will to take it. The gentleman is in a dilemma from which there is no escape. He gave up General Jackson when he supported the president, and gave up the president when he supported General Jackson. I rejoice to have seen the president manifesting, by the restoration of Pensacola, his devotedness to the constitution. When the whole country was ringing with plaudits for its capture, I said, and I said alone, in the limited circle in which I moved, that the president must surrender it; that he could not hold it. It is not my intention to inquire, whether the army was or was not constitutionally marched into Florida. It is not a clear question, and I am inclined to think that the express authority of Congress ought to have been asked. * * * * * But, if the president had the power to march an army into Florida, without consulting Spain, and without the authority of Congress, he had no power to authorize any act of hostility against her. If the gentleman had even succeeded in showing that an authority was conveyed by the executive to General Jackson to take the Spanish posts, he would only have established that unconstitutional orders had been given, and thereby transferred the disapprobation from the military officer to the executive. But no such orders were, in truth, given. The president acted in conformity to the constitution, when he forbade the attack of a Spanish fort, and when, in the same spirit, he surrendered the posts themselves.

"I will not trespass much longer upon the time of the committee; but I trust I shall be indulged with some few reflections upon the danger of permitting the conduct on which it has been my painful duty to animadvert, to pass without a solemn expression of the disapprobation of this house. Recall to your recollection the free nations which have gone before us. Where are they now?

> 'Gone glimmering through the dream of things that were,
> A school-boy's tale, the wonder of an hour.'

And how have they lost their liberties? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and, mingling in the throng, should ask a Grecian, if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country, the confident and indignant

Grecian would exclaim, 'No! no! we have nothing to fear from our heroes; our liberties will be eternal.' If a Roman citizen had been asked, if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of public liberty, he would have instantly repelled the unjust insinuation. Yet Greece fell; Cæsar passed the Rubicon, and the patriotic arm even of Brutus could not preserve the liberties of his devoted country! The celebrated Madame de Stael, in her last and perhaps her best work, has said, that in the very year, almost the very month, when the president of the directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers, entered the palace of St. Cloud, and dispersing, with the bayonet, the deputies of the people, deliberating on the affairs of the state, laid the foundation of that vast fabric of despotism which overshadowed all Europe. I hope not to be misunderstood. I am far from intimating that General Jackson cherishes any designs inimical to the liberties of the country. I believe his intentions to be pure and patriotic. I thank God that he would not, but I thank him still more that he could not if he would, overturn the liberties of the republic. But precedents, if bad, are fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition is much truer when applied to governments. Precedents are their habits. There is one important difference between the formation of habits by an individual and by governments. He contracts it only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against the alarming doctrine of unlimited discretion in our military commanders when applied even to prisoners of war, I must enter my protest. It begins upon them; it will end on us. I hope our happy form of government is to be perpetual. But, if it is to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the executive; and, above all, by holding to a strict accountability the military branch of the public force.

"We are fighting a great moral battle, for the benefit, not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest portion of it, is gazing with contempt, with jealousy, and with envy; the other portion, with hope, with confidence, and with affection. Everywhere the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the west, to enlighten, and animate, and gladden the human heart. Obscure that, by the downfall of liberty here, and all mankind are enshrouded in a pall of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity, the fair character and liberty of our coun

try. Do you expect to execute this high trust, by trampling, or suffering to be trampled down, law, justice, the constitution, and the rights of the people? by exhibiting examples of inhumanity and cruelty, and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country, in the midst of an amicable negotiation. Behold, said they, the conduct of those who are constantly reproaching kings. You saw how those admirers were astounded and hung their heads. You saw, too, when that illustrious man, who presides over us, adopted his pacific, moderate, and just course, how they once more lifted up their heads with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction, in this infant period of our republic, scarcely yet two-score years old, to military insubordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and that if we would escape the rock on which they split, we must avoid their errors.

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"I hope gentlemen will deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they may even vote the general the public thanks; they may carry him triumphantly through this house. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination, a triumph of the military over the civil authority, a triumph over the powers of this house, a triumph over the constitution of the land. And I pray most devoutly to Heaven, that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people."

The several stages of action, through which the resolution of censure reported by the committee on military affairs passed, while under debate, resulted in a majority against it, ranging from thirty to forty-six, in a house of one hundred and seventy members present. So the conduct of General Jackson was NOT disapproved.

It can not but be observed, since the character of General Jackson stands so strongly developed before the world, that the part taken by Mr. Clay on this occasion, is sufficient to account for all that afterward occurred of an unpleasant nature, in the relations of these two individuals, as disclosed in other chapters of this work. Could such a speech ever be forgiven by the subject of it? Was it not the CAUSE OF GREAT EFFECTS?

CHAPTER XIII.

THE MISSOURI QUESTION.

In the history of the United States, there has not, perhaps, been a more critical moment, arising from the violence of domestic excitement, than in the agitation of the Missouri question, from 1818 to 1821, unless it be the attempt at nullification by South Carolina, in 1832–'33. In case of the actual collision of force with force, the latter, probably, in the circumstances of the case, could have been quelled more easily than the former, simply because it could not bring to its aid the whole southern section of the Union; whereas, that portion of the country was united on the Missouri question.

The arguments on both sides were forcible, in view of the respective parties, urged by their own feelings and interests. It was maintained, on the one hand, that the compromise of the federal constitution, regarding slavery, respected only its existing limits at the time; that it was most remote from the views of the parties to this arrangement, to have the domain of slavery extended on that basis; that the fundamental principles of the American revolution, and of the government and institutions erected upon it, were hostile to slavery; that the compromise was simply a toleration of things that were, and not a basis for things to be; that these securities of slavery as it existed, would be forfeited by an extension of the system; that the honor of the republic before the world, and its moral influence with mankind in favor of freedom, were identified with the advocacy of principles of universal emancipation; that the act of 1787, which established the territorial government north and west of the river Ohio, prohibiting slavery for ever therefrom, was a public recognition and avowal of the principles and designs of the people of the United States, in regard to new states and territories, north and west; and that the proposal to establish slavery in Missouri, was a violation of all these great and fundamental principles.

On the other hand, it was maintained, that slavery was incorporated in the system of society as established in Louisiana, which comprehended the territory of Missouri, when purchased from France in 1803; that the faith of the United States was pledged by treaty to all the inhabitants of that wide domain, to maintain their rights and privileges on the same footing with the tenants of the original federal jurisdiction; and consequently, that, slavery being a part of their state of society, it would be a violation of federal engagements to abolish it without their consent. Nor could the federal government—as they maintained—prescribe the abolition of slavery to any part of said territory as a condition of being erected into a state of the Union, if they were otherwise entitled to it on the federal platform. It might as well, they said, be required of them to abolish any other municipal regulation, or to annihilate any other attribute of sovereignty. If the federal authorities had made an improper or ill-advised treaty in the purchase of Louisiana, they maintained, it would be manifest injustice to make the citizens of this newly-acquired portion of their jurisdiction, suffer on that account. They claimed, that they were received as a slaveholding community, on the same footing with other slave states, and that the existence or non-existence of slavery could not be made a question, when they presented themselves at the door of the capitol of the republic for a state charter.

Such was the feeling, and such comprehensively were the arguments, in the two great sections of the Union, when the territory of Missouri, in 1818, asserted its claim to be incorporated as a state. The preparatory act of Congress, required to authorize a convention of the people of the territory to form a state-constitution, was taken up in the session of 1818–'19. In the house of representatives, the following resolutions were inserted in the bill:—

"That the further introduction of slavery, or involuntary servitude, be prohibited, except for the punishment of crimes, whereof the party shall have been fully convicted." Yeas 87—nays 76.

"And that all children born within the said state, after the admission thereof into the Union, shall be free at the age of twenty-five years." Yeas 82—nays 78.

The final action of the house, to incorporate these restrictions in the bill, was, yeas 91—nays 82.

But the senate rejected these conditions, and the house ad-

hering, the bill failed. Consequently, this session of Congress passed over, without conferring any authority on the people of Missouri, to consummate their purpose of organizing as a state. As may be imagined, it was the occasion of great excitement among the people of the territory; and from this time to the meeting of the next Congress, the whole Union was agitated. The legislatures of the states took up the subject, passed resolutions in favor and against the restrictions, according to their respective localities and feelings, and remitted copies to each other, and to the general government. Popular assemblies were convened in all parts of the country, to debate the question, adopt resolutions, originate petitions to Congress, and for other demonstrations of the kind. The press opened and kept up a continuous fire from all quarters, and multitudes of pamphleteers were in the field, till the whole land was in a blaze of excitement.

It was in this state of the public mind, that the sixteenth Congress was convened, in the fall of 1819, and the people of Missouri knocked again at its doors, demanding authority to organize as a member of the Union—themselves in a state of feeling not at all soothed by the course which had been pursued, in the suspension of their claims, and in the doubts which had been brought over their prospects.

As early in the session, as December 14, Mr. Taylor, of New York, brought forward, in the house, the following resolution: "That a committee be appointed to inquire into the expediency of prohibiting by law the introduction of slaves into the territories of the United States west of the Mississippi;" and the next day, December 15, when it came up, he moved to postpone the bill to authorize a convention of the people of Missouri to form a state constitution, till the first Monday in February. Mr. Scott, delegate from Missouri, said he believed, if this postponement were ordered, the people of Missouri would proceed to organize a state government without waiting for authority from Congress. It was, however, postponed to the second Monday in January, and Mr. Taylor was placed at the head of a committee of inquiry raised on his motion, above cited.

December 28, Mr. Taylor reported, that he was instructed by his committee, to ask leave to be discharged, assigning as a reason, that they could not agree on anything calculated to harmonize opinion. The request was granted. Mr. Taylor then moved the following resolution: "That a committee be appointed to

report a bill *prohibiting* the further introduction of slaves into the territories of the United States west of the Mississippi."

In the debate on this motion, Mr. Mercer, of Virginia, is reported in Niles's Register, to have used the following expression: "That, standing here, as the representative of the people west of the Mississippi, he should record his vote against suffering the dark cloud of inhumanity, which now darkened his country, from rolling on beyond the peaceful shores of the Mississippi." Mr. Taylor's motion was lost by 82 to 62.

The majority of the house of representatives, as appeared in all test votes on this question, was in favor of a restriction on Missouri against slavery, while the majority in the senate was against a restriction, and the results of repeated conferences between the two houses, did not seem to approximate toward any agreement. Advantage was taken by the senate, of the application of the district of Maine to become a state, to incorporate both claims into one bill, and in that way, force both upon the other house, without condition. But the house of representatives refused to unite in it. The question, however, was at last settled in conference, by the following compromise in the eighth section of the bill for Missouri: "That in all the territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, for ever prohibited—provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

The debates during this session, on this subject, were protracted, animated, and often in a high degree acrimonious. The members of Congress brought with them the feelings which pervaded the states and sections from which they came, and gave utterance to them with little restraint—not unfrequently with as little prudence. The speeches were for the most part characterized with strong ingredients of sectional prejudice. There was, however, in the midst of this arena of violent strife, ONE MAN of truly national feeling, calm, but not indifferent, with lofty, but dignified, and not less anxious porte, looking down upon the scene, as one

of deep and unutterable concern. Often did he rise to hush the tempest, and call back reason to its useful offices. He stood up a mediator between the conflicting parties, imploring, entreating, beseeching. On one occasion, during these debates, Mr. Clay spoke four hours and a half, pouring forth an uninterrupted and glowing torrent of his thoughts and feelings, with captivating and convincing power.

On the authority now obtained, and during the recess of Congress, in the summer of 1820, the people of Missouri proceeded to organize a state government, and to establish the authorities of an independent commonwealth. As it was the year of the presidential election, the duty of forming an electoral college was one of the functions of franchise, which the people of the new state were called to exercise, at the same time that they voted for their own state officers.

The obstacles they had met with in obtaining authority to organize a separate commonwealth, seemed to have driven them into an offensive attitude. The constitution which they prepared to be submitted to Congress, to obtain federal sanction, before Missouri could be admitted to all the privileges of a member of the family of states, contained a very unnecessary and obnoxious clause, apparently aimed at those who had attempted to fasten upon them a restriction in the matter of slavery, and which bore the aspect of a defiance. It raised a new difficulty, and put another bar in their path—a bar, indeed, more formidable than any they had yet encountered. The offensive clause was regarded as an insult, and roused an indignant feeling throughout the land. It could hardly be defended in any quarter. They had apparently disarmed their own friends and advocates.

The obnoxious matter was in these words: "It shall be the duty of the general assembly, as soon as may be, to pass such laws as may be necessary, to prevent free negroes and mulattoes from coming to or settling in this state, under any pretext whatsoever." There was also a clause forbidding the general assembly to pass any laws for emancipation, without the consent of the owners of slaves. But this latter was scarcely made a point of objection, in view of what was regarded as the enormity of the former. The constitution of the United States ordains that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." It was well known, that colored people, in the free states, were generally regarded as *citi-*

zens, and in some states, they are, on prescribed conditions, admitted to all the rights of citizenship. Consequently, *as was contended*, here was the constitution of a new state put forth in the face of the Union, demanding a sanction of the federal authorities, in direct violation of the federal constitution. It is true, the obnoxious clause was open to revision and annulment by the supreme court. The state which had adopted it might say, it was their sovereign right to make their own constitution, subject always to the authority of the judiciary; that Congress was not competent to act on this question; that the duty imposed on Congress was, to *grant* a "republican form of government" to every new state; but that they had no right to determine what should or should not be its municipal regulations—this latter function being an attribute of sovereignty, subject to correction only by the federal judiciary. Nevertheless, it can not be denied, that, in the circumstances of the case, the clause was offensive, and calculated to rouse the violent opposition which actually followed.

The transmission of the constitution of Missouri to Congress, by the president, was the signal of conflict. The committees of both houses, to whom it was referred, reported in favor of its being sanctioned, and the senate came to a final vote accordingly. But it was impossible to accomplish this object in the house of representatives, where the excitement on the subject had become flagrant, destructive alike of harmony and good order.

Mr. Clay's private affairs, as elsewhere remarked, had compelled him to forward his resignation of the office of speaker, at the opening of the second session of the sixteenth Congress, 1820; though still retaining his seat as a member, on account of this agitation. It was not convenient for him to go to Washington, till late in the winter. It was the 16th of January, 1821, when he resumed his seat in the house of representatives. The whole of that body seemed at the moment to be in a flame of passion on the Missouri question. Fatigued by the contest, and exasperated with each other, all parties turned instinctively to Mr. Clay, for counsel and direction. The position he occupied in their affections, respect, and confidence, was favorable—commanding. He talked with all, heard all, consulted with all; and on the 2d of February, he moved for a select committee of thirteen—the original number of the states—to consider the resolution of the senate to admit Missouri into the Union, and to report thereon. It was of course granted, and composed of Messrs. Clay, Eustis

of Mass., Smith of Md., Sargeant of Pa., Lowndes of S. C., Ford of N. Y., Campbell of Ohio, Archer of Va., Hartley of N. Y., S. Moore of Pa., Cobb of Ga., Tomlinson of Ct., and Butler of N. H.

On the 10th, Mr. Clay reported, and submitted, by order of the committee, the following resolution, as an amendment to that of the Senate :—

"*Resolved*, That the state of Missouri be admitted into the Union on an equal footing with the original states, in all respects whatever, *upon the fundamental condition*, that the said state shall never pass any law preventing any description of persons from coming to and settling in the said state, who now are, or may hereafter become, citizens of any of the states of this Union; and provided, also, that the legislature of the said state, by a solemn public act, shall declare the assent of the said state to the said fundamental condition, and shall transmit to the president of the United States, on or before the fourth Monday in November next, an authentic copy of the said act, upon the receipt whereof the president, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of said state into the Union shall be considered as complete; and provided, further, that nothing herein contained shall be construed to take from the state of Missouri, when admitted into the Union, the exercise of any right or power which can now be constitutionally exercised by any of the original states."

In support of this resolution, Mr. Clay addressed himself with great feeling and power, to both parties, and not unfrequently drew tears of sympathy from their hearts. He depicted the state of the Union at that momentous crisis; portrayed the contingent prospects before them, as with a pencil of sunbeams, and as if giving utterance to the oracles of prophecy; and besought each one to consider what he owed to his country.

It will be seen by the resolution, that its author had carefully consulted the feelings of both parties. But it was all in vain. It was rejected in committee of the whole by a vote of 73 to 64, and in the house by 83 to 80. It was reconsidered, and again lost. The question and the country were now in a most critical condition. The next day after the reconsideration of this vote, was the time appointed for a public counting of the votes for president and vice-president of the United States, and Missouri, not yet admitted into the Union, would offer her vote, and claim that it should be counted. It was an anxious moment, and the scene apprehended was painful to contemplate.

The two houses had previously arranged as to the place and

time of their joint meeting to count the electoral votes, and had moreover ordered, in anticipation of the electoral vote of Missouri being challenged, that the vice-president, who was chairman for the occasion, should, in case of a challenge, announce the votes, first, *with* that of Missouri, and next *without* it, to show, as known beforehand, that, whether the vote of Missouri were counted or not, it could not affect the result. This, however, was deemed an irregularity, which Mr. Randolph, of the house of representatives, maintained, would vitiate the election, and render it invalid. He said, while this was under consideration, that "he would rather see an interregnum, than to adopt a principle that would destroy the foundation on which the presidential office rested;" assuming, of course, that the mere FORM of announcing the result, which the constitution had not prescribed, was of such importance.

As was feared, the joint meeting of the two houses on the 14th, to count the electoral votes, and proclaim the result, was one of turbulent excitement. It was frequently interrupted by simultaneous challenges of the Missouri vote, and calls for information, whether it was to be counted; till at last, when the vote of Missouri was announced, Mr. Livermore, of New Hampshire, rose and said: "Mr. President and Mr. Speaker, I object to receiving any votes for president and vice-president from Missouri, as Missouri is not a state of this Union." This objection was numerously and clamorously seconded. Confusion and tumult being in the ascendant, a senator rose, and with a voice above the wildness of the scene, moved, that the senate withdraw, which was immediately obeyed; and the house was left in sole possession of the field, though far from being reduced to order. One cried, "Missouri is not a state;" and another, "Missouri is a state." Motion after motion was made, and an hour of tumultuous wrangling consumed, when Mr. Clay succeeded in producing a momentary calm, and in moving, that a message be sent to inform the senate, that the house was waiting for their attendance to complete the duty of counting the votes. The senate accordingly came in, the vote of Missouri, during the counting of which the interruption had taken place, was again declared, and the whole being gone through, the chairman announced the result, first *with*, and then *without*, the vote of Missouri, stating that in either case it was the same: James Monroe was elected president, and Daniel D. Tompkins vice-president.

While the result was being announced, two members of the

house of representatives rose simultaneously, and demanded whether the vote of Missouri was, or was not, counted? The speaker of the house pronounced them out of order, and required them to resume their seats.

When the senate had retired, Mr. Randolph, of Virginia, moved the following resolutions:—

"*Resolved*, That the electoral votes of Missouri have this day been counted, and do constitute a part of the majority of 231 votes given for president, and of 218 votes given for vice-president.

"*Resolved*, That the whole number of electors appointed and of votes given for president and vice-president, has not been announced by the presiding officer of the senate and house of representatives, agreeably to the constitution of the United States, and that therefore the proceeding has been irregular and illegal."

The house was evidently somewhat startled at the principle involved in this motion. It seemed at first glance to shake the validity of the solemn transaction through which they had just passed, and to throw doubts over its binding force! It was a question, whether a vitiating element had been admitted, which corrupted and nullified the whole? Evidently Missouri was not one of the family of states, in full and complete fellowship. And yet she had been permitted to take part, and to have a voice, in this eventful act, which was to determine the presiding magistracy of the republic, and establish a head over the senate, for a term of four years! It was alarming to think, that a doubt could be raised as to the validity of such a transaction! Though there was a majority of *thirty* against Mr. Randolph's motion, even that vote demonstrated, that there was at least a doubt in many minds. But it was *necessary*, by common consent, to hold the transaction valid, though no one could say, it was exactly as it should be.

By this time, almost the entire mind of Congress—not to say that of the country—had become sore and morbid on this agitating question. Congress wanted to get rid of it; but how could it be done? And who could now define the position and relations of Missouri? Was she a state, or a territory? All knew, that she would never submit to the jurisdiction of the United States as the latter; and what was she to do as a state, without being recognised in full? Was the vast public domain within her bounds to be given up, and the federal jurisdiction to be withdrawn? Or was the federal government to enforce its authority there? These, certainly, were grave questions. In this state of feeling, and du-

ring this interval of doubting and agonizing suspense, Mr. Clay was most assiduous and active in his private appeals to the members of both houses. He respectfully demanded of them, "What do you propose? We tell you frankly what we wish to do. It will never do to leave this matter so. Propound your plan. You must come to us; or we must go to you. This business must be settled, and settled now, or who can can tell what a year may bring forth? We put it to your consciences. Give us a plan, or come over to ours."

Appeals of this kind were not without effect. Mr. Clay watched his opportunity, and imagining the time had come, on the 22d of February, he moved the following resolution:—

"*Resolved*, That a committee be appointed, on the part of this house, jointly, with such committee as may be appointed on the part of the senate, to consider and to report to the senate and to the house, respectively, whether it be expedient or not to make provision for the admission of Missouri into the Union, on the same footing as the original states; and for the due execution of the laws of the United States, within Missouri; and if not, whether any other, and what provision, adapted to her actual condition, ought to be made by law."

This resolution was promptly and gladly adopted by a vote of two to one, and a similar resolution passed in the senate, with a corresponding good-will.

Mr. Clay proposed that the committee from the house should consist of twenty-three, the number of states at the time, and that they should be appointed by ballot. He himself made out the list, knowing whom he wanted, and the house conformed, putting Mr. Clay at the head of it. The house was glad enough to give him this work, and to let him have it all in his own way. It was not only a part of his plan to pick his men, but after having mustered them, he was resolved to put the question to every individual separately—will you support this plan, or not? To fail again, would be fatal, and he resolved to risk nothing. The question must be decided, before it should be reported to the house. If his own corps were under good discipline, he knew the result with infallible certainty.

The two committees met in the senate-chamber on the 25th, each maintaining its separate organization, Mr. Holmes at the head of the senate committee; and before they retired, the Missouri question was settled! It was, however, an arduous session. Mr.

Clay would consent to nothing, without unanimity, and without a pledge from each, that he would support it. In the senate, there would be no difficulty, and if the committee of the house would go back pledged to support the resolution agreed on, it was known, that the unanimous decision of the committee would be the decision of the house; and so it proved. The resolution was in substance the same with that reported on the 10th, by the committee of thirteen, and before cited, but more specific. It passed the house on the 26th, by a vote of 87 to 81, and was concurred in by the senate on the 28th. The conditions prescribed were afterward complied with by the state of Missouri, and her admission to the Union was consummated.

The pacific adjustment of this question, when all its difficulties are considered, was doubtless one of the most masterly achievements of man over human society; nor has there ever been a doubt, to whom the country is indebted for such a beneficent influence.

A storm was raised, which all had despaired of quelling. After six weeks of the toil and care of one man, there was a great calm. Not the slightest breeze of disturbance, on the same account, has ever risen from that quarter since; and the whole nation fully appreciated its obligations. The people felt, that a mighty incubus was removed, and breathing freely again, they fell back into repose, and forgot the peril through which they had passed.

N. B. For further particulars on this subject, see pages 262, 263, and 264, Vol. II.

CHAPTER XIV.

THE GREAT CONSPIRACY.

General Jackson's Renewal of the Charge against Mr. Clay in 1844.—Statement of the Charge.—Present Position of the Question.—Mr. Adams' Eighth-of-January Party in honor of General Jackson.—Its Effect.—Nomination of General Jackson for the Presidency.—The Result.—Examination of the Claims to Plurality of Votes.—Mr. Clay defrauded.—Character of the Jackson Party.—Delicacy of Mr. Clay's Position in the House of Representatives on the Presidential Question.—Menaces.—First Opening of the Plot.—Mr. Kremer's Letter to the Columbian Observer.—Mr. Clay's Card.—Mr. Kremer's Card.—Mr. Clay's Appeal to the House.—Mr. Forsyth's Resolution for a Committee of Inquiry.—The Debate.—Report of the Committee.—Mr. Kremer's Decline to answer.—Unexpected Position of Affairs.—Who wrote Mr. Kremer's Letter of Decline.—Position of the Conspirators and Mr. Clay at the End of the First Stage.

THE heading of this chapter is given in anticipation of the evidence; but that having been well considered, and being about to be offered, the propriety of this denomination of this piece of history, is assumed, in the belief that the facts will be a justification. That it was a *great* conspiracy, is determined, not only by a consideration of its extent, but of its comprehensive influence on the destinies of the parties concerned, and on the destiny of a nation. Though one of the greatest atrocities in the moral history of mankind, yielded profit to the actors for a season, it would disappoint the ends of justice, human and divine, if it could for ever purchase impunity. It is the doom of vice to come to judgment.

"A CARD.

"HERMITAGE, *May* 3, 1844.

"GENTLEMEN: My attention has been called to various newspaper articles, referring to a letter said to have been written by me to General Hamilton, recanting the charge of bargain made against Mr. Clay, when he voted for Mr. Adams in 1825.

"To put an end to all such rumors, I feel it to be due to myself to state, that I have no recollection of ever having written such a letter, and do not believe there is a letter from me to General Hamilton, or any one else, that will bear such a construction. Of the charges brought against both Mr. Adams and Mr. Clay, at that time, I formed my opinion as the country at large did—from facts

and circumstances that were indisputable and conclusive; and I may add, that this opinion has undergone no change.

"If General Hamilton, or any one else, has a letter from me on this subject, all that they have to do, is to apply to him for it. As for myself, I have no secrets, and do not fear the publication of all that I have ever written on this or any other subject.

"ANDREW JACKSON.

"*To the Editors of the Nashville Union.*"

It will be perceived, first, that this CARD, dated May 3, 1844, recognises the FACT, that "ANDREW JACKSON" made this charge against Mr. Clay: "My attention has been called to various newspaper articles, referring to a letter said to have been written by me to General Hamilton, *recanting* the charge," &c. Secondly, the card RE-AFFIRMS the charge: "I formed my opinion from facts and circumstances that were *indisputable and conclusive; and I may add, that this opinion has undergone* NO CHANGE." Thirdly, General Jackson, in this card, by implication, DENIES that he has ever recanted, and challenges the proof: "I have no recollection. . . . . I do not believe. . . . . All they have to do, is to apply for it"—the proof. The charge, therefore, being reaffirmed by General Jackson, on the 3d of May, 1844, puts the whole matter again at issue, and compels to an examination of the subject, not less as a demand of public, than of private, justice.

The charge, or charges, are briefly stated by Mr. Clay, in his address to the public, of June 29, 1827, as he understood them to be conveyed in General Jackson's letter to Mr. Carter Beverley, of June 6, 1827, as follows:—

"*First*, that my friends in Congress, early in January, 1825, proposed to him [Gen. Jackson], that, if he would say, or permit any of his confidential friends to say, that, in case he was elected president, Mr. Adams should not be continued secretary of state, by a complete union of myself and my friends, we would put an end to the presidential contest in one hour. *Secondly*, that the above proposal was made to General Jackson through a distinguished member of Congress, of high standing, with my privity and consent."

In another part of this address, Mr. Clay says: "General Jackson, having at last voluntarily placed himself in the attitude of my public accuser, we are now fairly at issue. I rejoice, that a specific accusation, by a responsible accuser, has at length appeared, though at the distance of near two years and a half since the charge was first brought forth by Mr. George Kremer. It will be universally admitted, that the accusation is of the most serious nature

Hardly any more atrocious charge could be preferred against the representative of the people in his official character. The charge in substance, is, that *deliberate propositions of bargain* were made by my congressional friends collectively, through an authorized and distinguished member of Congress, to General Jackson; that their object was, by these means of bargain and corruption, to exclude Mr. Adams from the department of state, or to secure my promotion to office; and that I was privy and assented to those propositions, and to the employment of those means.

"Such being the accusation, and the prosecutor, and the issue between us, I have now a right to expect that he will substantiate his charges by the exhibition of satisfactory evidence. In that event, there is no punishment that would exceed the measure of my offence. In the opposite event, what ought to be the judgment of the American people, is cheerfully submitted to their wisdom and justice."

It will be seen, therefore, that this CARD of General Jackson, of May 3, 1844, published by him in the Nashville Union, virtually denying that he had recanted, and virtually re-affirming the original charge, leaves it precisely where it was when he appeared as the public accuser of Mr. Clay in 1827, and precisely where it was when it was first brought forward by George Kremer in 1825. It is an ISSUE still pending, to be examined by common rules of evidence, and submitted to the public of the present and future generations. Private and public justice are equally concerned in the investigation, and it is impossible to waive it.

With this preliminary statement of the case, as it now stands, it is proper to return to the origin.

On the 8th of January, 1824, the Hon. J. Q. Adams, then secretary of state, under Mr. Monroe, made a party, in honor of General Andrew Jackson, as the hero of New Orleans, and in commemoration of the victory which he achieved before that city over the British forces, on the 8th of January, 1815. The party was a brilliant one, attended by the president of the United States, the foreign ambassadors, members of Congress, public functionaries in the various departments of the government, and a host of distinguished strangers. General Jackson, then a senator of the United States from Tennessee, was, of course, the STAR of the evening, "the observed of all observers," with Mrs. Adams on his arm, who, with grace and dignity, did the honors of hostess, in presenting the general to her various and numerous guests. General Jackson, certainly, was not unknown before; but this occasion

lifted him, from the comparatively vulgar place of a meteor, in the atmosphere of earth, to the position of a fixed orb in the firmament above. From that moment, he began to be thought of as a candidate for the presidency of the United States. His first formal nomination was made by the legislature of Tennessee, which was quickly followed in other parts of the Union. He was now fairly in the field, with John Quincy Adams, William H. Crawford, and Henry Clay, as competitors. The result of that election, was, that, out of 261 electoral votes given (one failed by sickness) Mr. Adams received 84, Mr. Crawford 41, General Jackson 99, and Mr. Clay 37.

Inasmuch as a claim was set up for General Jackson, as the more popular candidate, and entitled to the presidency, on the ground of his plurality of 99, it is proper to consider the validity of that claim. In the first place, the principle of the claim, properly applied—as it doubtless should be, if urged—would destroy the claim for General Jackson, and transfer it to Mr. Adams. "It is a poor rule that will not work both ways." If the principle of plurality is adopted, it should prevail, not only for one stage of an election, but for all its stages. To be applied in one, and rejected in the others, would be the greatest injustice. If insisted on, when the election, having failed in the states, passes to the house of representatives of the United States, it should be credited in the past, as well as in the present. Indeed, the true state of the present could not be determined, without a consideration of the past Although General Jackson had a plurality in the nominal returns from the electoral colleges, the question is, whether he had a plurality in the popular votes of the states? In North Carolina, the Crawford men had a great plurality over either of the Jackson and Adams sections; but the two latter, joining their forces, gave the electoral vote of the state, it being *fifteen*, to General Jackson. Deduct this from General Jackson's plurality—as it should be, if the principle of plurality is to govern—and it leaves him 84, the same as the vote for Mr. Adams. But Mr. Adams had a great plurality of the popular vote of New York, and on this principle should be credited the entire vote of that state, 36, whereas he received only 26. This adjustment would carry Mr. Adams up to 94, and leave General Jackson with 84. Besides, the popular majorities for Mr. Adams in the *six* New England states, were greatly in excess of the Jackson majorities of the *eight* states, which gave their vote for him, which greatly augments Mr. Adams

aggregate plurality in the Union, over General Jackson's. Then deduct the constitutional allowance for the slave vote in the slave states, as given by their masters. It will not be pretended, that this is a *popular* vote, though constitutional. General Jackson obtained *fifty-five* electoral votes, more than half his entire vote, and Mr. Adams only *six*, from slave states. It will therefore be seen, that, on the principle of a popular plurality, carried out, and carried through—(it ought not to stop for the advantage of one party, if admitted)—Mr. Adams, in the election of 1824, was FAR ahead of General Jackson.

But this claim of plurality is not only unconstitutional, in this case, but anti-republican and anti-democratic, in all cases. Admitting, that General Jackson's electoral vote of 1824, fairly represented the popular vote—which, as shown above, was not the fact—there was yet, in the returns to Congress, the great majority of 162 electoral votes against General Jackson's 99. Is there any principle of democracy, or of the fundamental law of the American Union, that would require the states and the people, who returned these 162 electoral votes to Congress, to give up their will to the comparatively few states and few people, who returned the 99 votes? The demand was preposterous. The election, having failed of a majority for any one candidate, by the action of the people, was transferred by the constitution to the house of representatives, to be decided by a majority of states, each state counting one, and its vote to be determined by the majority of its own delegation in that body. It was still under control of the majority principle—not indeed of a popular majority—for the people having failed, the constitution gave it over to the states, acting in their federal capacity, which erected new parties in the franchise, not on the basis of popular representation, but on the platform of the federal compact, each state, large or small, having an equal voice. They were required to vote in the capacity of STATES, thirteen of which—there being twenty-four—constituted a majority.

Although there was no legal or constitutional ground of complaint, that MR. Clay was excluded from the house of representatives, by the result of this election, it was nevertheless true, that he was entitled to the vote of Louisiana, and would have had it, but for the fact, that the choice of the electors of president, by the legislature, was unfairly brought on, in the absence of some two or three of Mr. Clay's friends. The electoral votes of Louisiana, being *five*, fairly given, would have carried Mr. Clay into the house

of representatives, over Mr. Crawford, by a plurality of *one*. Mr. Clay was also entitled to share the electoral vote of New York, with Mr. Adams, equally or nearly so, by an understanding between two of the three parties in that state, which was broken up by a sudden movement of Mr. Van Buren, in a nomination for governor, disturbing and dissolving the arrangement. It is also to be remarked, that before the electoral votes of New York were cast, they had heard from Louisiana, and seeing that Mr. Clay's chances of being returned to the house of representatives, were slender, his friends among the electors went for Mr. Adams, as their second choice. Mr. Clay's full strength in the electoral colleges, but for these occurrences—one of which was a fraud, one a trick, and the other an apparent necessity, resulting from the two former—would have given him a very considerable plurality over Mr. Crawford, which would not probably have been effaced, even if Mr. Crawford had received the vote of North Carolina, to which he was entitled on the plurality principle, but which was given to General Jackson. It has never been doubted by anybody, that, if Mr. Clay had been returned to the house of representatives, in the election of 1824, he would have been chosen president of the United States. The probable consequences of such an event, will naturally occur to all minds. It would doubtless have been pregnant with great and important results, affecting the destiny of the country for ages—FOR EVER.

But it was not easy for the Jackson party, which had sprung into existence so suddenly (it was entirely a *new* party), and which partook of the vehement temper of their leader, to be reconciled to any doubt as to the election of their candidate, in the house of representatives. Mr. Crawford, though returned, was generally considered out of the question, on account of his impaired state of health. By common consent, Mr. Adams or General Jackson was to be president. The Jackson men looked at the figures **99**, and could plainly see, that they counted more than 84. Whether the conclusion they were pleased to deduce from these given arithmetical quantities, was a just one, is another matter. It is clear, that General Jackson had 99 votes, and Mr. Adams only 84. The supporters of the former were anxious, impatient, not to say, furious. They had enlisted under a chieftain of imperious, indomitable will, whose principal, almost only capital, was a glorious battle, the just fame of which, acquired by himself as victor, no one could gainsay. He had marched at the head of his political legions, re-

cently mustered, with scarcely less energy and determination, than he evinced at the head of the American troops, on the 8th of January, 1815, in the face of the British foe. It was as a military man they followed him; for he had no other reputation of sufficient consequence to make a party.

The advent of General Jackson, as a candidate for the presidency, was not more unexpected, than his success in the first campaign. Against three competitors, each of them a distinguished statesman, of long standing in the civil service, he was returned to the house of representatives, as already noticed, with a plurality over all. Flushed with a feeling natural to such an unexampled career, he and his partisans were prepared to assert strong claims. They set up the figures 99 against the figures 84, as the principle and the rule. Who could say the former did not count more than the latter? Nevertheless, there were other principles and other rules, in other men's minds. It was at least thought, that the house of representatives was not bound by the figures 99 against 162.

Mr. Clay's position, in these circumstances, was one of peculiar delicacy. He had been a competitor in the field; had failed to be returned to the house; and, of course, had lost his chances for this time. But none could deny, that he was a statesman, presenting high and strong claims as a future candidate for the presidency. It was not his fault, but altogether to his credit, that the use of his extraordinary endowments, had earned for him such high consideration. He was then occupying the speaker's chair of the house of representatives, which he had filled since 1811, except for one Congress, when he was forced to be absent for private reasons; and none could fail to see, that the friends of the rival candidates for the presidency, must naturally have looked, with anxious concern, to the tendency of his preference, though he should not say a word, nor use an item of active influence, for one or another. Even the knowledge of his preference, was unavoidable influence. It was supposed, that he held in his hands the power to elect either, though it was a mistake. That the friends of the candidates returned, should address him on this subject, directly or indirectly, was natural enough, and perhaps proper, if done with a discreet regard to the delicacy of his position. The following extract from Mr. Clay's address to his constituents, after the election, will throw some light on the practical operation of this feeling:—

"During the month of December, and the greater part of January, strong professions of high consideration, and of unbounded admiration of me, were made to my friends, in the greatest profusion, by some of the active friends of all the returned candidates. Everybody professed to regret, after I was excluded from the house, that I had not been returned to it. I seemed to be the favorite of everybody. Describing my situation to a distant friend, I said to him: 'I am enjoying, while alive, the posthumous honors which are usually awarded to the venerated dead.' A person not acquainted with human nature would have been surprised, in listening to these praises, that the object of them had not been elected by general acclamation. None made more or warmer manifestations of these sentiments of esteem and admiration, than some of the friends of General Jackson. None were so reserved as those of Mr. Adams; under an opinion (as I have learned since the election), which they early imbibed, that the western vote would be only influenced by its own sense of public duty; and that, if its judgment pointed to any other than Mr. Adams, nothing which they could do would secure it to him. These professions and manifestations were taken by me for what they were worth. I knew that the sunbeams would quickly disappear, after my opinion should be ascertained, and that they would be succeeded by a storm; although I did not foresee exactly how it would burst upon my poor head. I found myself transformed from a candidate before the people, into an elector for the people. I deliberately examined the duties incident to this new attitude, and weighed all the facts before me, upon which my judgment was to be formed or reviewed. If the eagerness of any of the heated partisans of the respective candidates suggested a tardiness in the declaration of my intention, I believed that the new relation in which I was placed to the subject, imposed on me an obligation to pay some respect to delicacy and decorum.

"Meanwhile, that very reserve supplied aliment to newspaper criticism. The critics could not comprehend how a man, standing as I had stood toward the other gentlemen, should be restrained, by a sense of propriety, from instantly fighting under the banners of one of them, against the others. Letters were issued from the manufactory at Washington, to come back, after performing long journeys, for Washington consumption. These letters imputed to 'Mr. Clay and his friends a mysterious air, a portentous silence,' and so forth. From dark and distant hints, the progress was easy to open and bitter denunciation. Anonymous letters, full of menace and abuse, were almost daily poured in on me. Personal threats were communicated to me, through friendly organs, and I was kindly apprized of all the glories of village effigies which awaited me. A systematic attack was simultaneously commenced upon me from Boston to Charleston, with an object, present and future,

which it was impossible to mistake. No man but myself could know the nature, extent, and variety, of means which were employed to awe and influence me. I bore them, I trust, as *your* representative ought to have borne them, and as became me."

Admitting these facts, as narrated by Mr. Clay—which will not be denied, because they are susceptible of proof—the character of the spirit that was roused on this occasion, as the time for the choice of a president in the house of representatives, was drawing near, is sufficiently manifest. The bounds of propriety had certainly been transcended, in the employment of such means of influence over Mr. Clay. But the atrocity of the last resort, which is now to be considered, would have been much more becoming a band of conspirators, in the most corrupt period of the Roman empire, than the leaders of a party in a modern civilized and Christian commonwealth. On the 28th of January, 1825, twelve days previous to the time of election of president in the house of representatives, the following letter, stated to be from a member of Congress, but without the proper signature, was published in the Columbian Observer, at Philadelphia :—

"WASHINGTON, *Jan.* 25, 1825.

"DEAR SIR: I take up my pen to inform you of one of the most disgraceful transactions that ever covered with infamy the republican ranks. Would you believe, that men, professing democracy, could be found base enough, to lay the axe at the very root of the tree of liberty! Yet, strange as it is, it is not less true. To give you a full history of this transaction would far exceed the limits of a letter. I shall, therefore, at once proceed to give you a brief account of such a BARGAIN, as can only be equalled by the famous *Burr conspiracy of* 1801. For some time past, the friends of Clay have hinted, that they, like the Swiss, would fight for those who pay best. Overtures were said to have been made, by the friends of Adams, to the friends of Clay, offering him the appointment of secretary of state, for his aid to elect Adams. And the friends of Clay gave the information to the friends of Jackson, and hinted, that if the friends of Jackson would offer the same price, they would close with them. But none of the friends of Jackson would descend to such mean barter and sale. It was not believed by any of the friends of Jackson, that this contract would be ratified, by the members from the states which had voted for Clay. I was of opinion, when I first heard of this transaction, that men, professing any honorable principles, could not, nor would not, be transferred, like the planter does his negroes, or the farmer does his team of horses. No alarm was excited. We believed the re-

public was safe. The nation having delivered Jackson into the hands of Congress, backed by a large majority of their votes, there was on my mind no doubt, that Congress would respond to the will of the nation, by electing the individual they had declared to be their choice. Contrary to this expectation, it is now ascertained to a certainty, that Henry Clay has transferred his interest to John Quincy Adams. As a consideration for this abandonment of duty to his constituents, it is said and believed, should this unholy coalition prevail, Clay is to be appointed secretary of state. I have no fear on my mind. I am clearly of opinion, we shall defeat every combination. The force of public opinion must prevail, or there is an end of liberty."

It is unnecessary, at this late day, after this foul conspiracy has accomplished all its mischief, and when no sensible person, of any party, having the least claim to respectability, yields the slightest credence to the atrocious statements and infamous suggestions of this letter, to treat it as worthy of refutation or reply. It is cited here as the nucleus of a concerted scheme, which was sustained for years, with too much effectiveness, to blast the reputation of a great and pure patriot, for the political advancement of a rival. No one will pretend, that it was the conception of him who was made to father it. He himself said, he did not write it. He was at least the copyist, and was doubtless the forwarder. It is not unlikely, that it was expressed in his own terms, and that, being told by those in whom he confided, he believed what he wrote; for he was a credulous and simple-minded man.

This letter was not written for the latitude and meridian of the city of Washington, for home consumption there; but to be thrown broadcast over the land, to poison the general mind, to find a lodgment where such things would be likely to be entertained, to act as a leaven in the political kneading-trough—as seed in a susceptible soil, to take deep root, and spring up, and extend its branches, and distil its upas venom everywhere. Once thrown out, it was impossible to arrest it, or prevent its mischief. But it had not the slightest credit in Washington, even with the party, in whose bosom it was conceived, and by whose agency it was put forth. Doubtless it aimed to frighten Mr. Clay, if possible, into the support of General Jackson, as his only way of escape; and that is one of its most atrocious features. But if that should fail, it was indeed a terrible engine for future operations. In the annals of political warfare, a more diabolical scheme was probably never conceived.

"Intimidation!" says Mr. Clay, in his address to the public, from Washington, December, 1827, alluding to this transaction—"intimidation! of a representative of the people, in the discharge of a solemn trust! That is the last day of the republic, on which such means shall be successfully employed and publicly sanctioned. Finding me immoveable by flattery or fear, the last resort has been to crush me by steady and unprecedented calumny. Whether this foul aim shall be crowned with success, or not, depends upon the intelligence of the American people. I make no appeal to their sympathy. I invoke only stern justice. If truth has not lost its force, reason its sway, and the fountains of justice their purity, the decision must be auspicious. With a firm reliance upon the enlightened judgment of the public, and conscious of the zeal and uprightness, with which I have executed every trust committed to my care, I await the event without alarm, or apprehension. Whatever it may be, my anxious hopes will continue for the success of the great cause of human liberty, and of those high interests of national policy, to the promotion of which, the best exertions of my life have been faithfully dedicated. And my humble, but earnest prayers, will be unremitted, that all danger may be averted from our common country; and especially, that OUR UNION, OUR LIBERTY, AND OUR INSTITUTIONS, may long survive, a cheering exception from the operation of that fatal decree, which the voice of all history has hitherto uniformly proclaimed."

This, as will be perceived by the date, was penned when the calumny was nearly three years old, and when it was revived for the presidential election of 1828. It is introduced here for the purpose of characterizing one important feature of the conspiracy—"INTIMIDATION."

On the first of February, 1825, the following card appeared in the National Intelligencer:—

"A CARD.

"I have seen, without any other emotion than that of ineffable contempt, the abuse which has been poured upon me, by a scurrilous paper issued in this city, and by other kindred prints and persons, in regard to the presidential election. The editor of one of these prints, ushered forth in Philadelphia, called the '*Columbian Observer*,' for which I do not subscribe, and which I have never ordered, has had the impudence to transmit to me his vile paper of the 28th instant. In that number is inserted a letter, purporting to have been written from this city, on the 25th instant, by a member of the house of representatives, belonging to the Pennsylvania delegation. I believe it to be a forgery; but if it be genuine, I pronounce the member, whoever he may be, a base and

infamous calumniator, a dastard, and liar; and if he dare unveil himself, and avow his name, I will hold him responsible, as I here admit myself to be, to all the laws which govern and regulate men of honor. "H. CLAY.

"31st *January*, 1825."

In Mr. Clay's address to his constituents on this subject, a few weeks afterward, he says, in reference to this card:—

"When I saw that letter, alleged to be written by a member of the very house over which I was presiding, who was so far designated as to be described as belonging to a particular delegation by name, a member with whom I might be daily exchanging, at least on my part, friendly salutations, and who was possibly receiving from me constantly acts of courtesy and kindness, I felt that I could no longer remain silent. A crisis appeared to me to have arisen in my public life. I issued my card. I ought not to have put in it the last paragraph, because, although it does not necessarily imply the resort to a personal combat, it admits of that construction; nor will I conceal that such a possible issue was within my contemplation. I owe it to the community to say, that whatever heretofore I may have done, or, by inevitable circumstances, might be forced to do, no man in it holds in deeper abhorrence than I do, that pernicious practice. Condemned as it must be by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling about which we can not, although we should, reason. Its true corrective will be found when all shall unite, as all ought to unite, in its unqualified proscription."

Mr. Clay, in this matter, must be judged by the circumstances in which he was placed. If ever a provocation justified strong language, or might be pleaded in extenuation of excess of feeling, this, doubtless, was of that character. There is no person, who will not sympathize profoundly with his position on that occasion. Two days afterward, the following card appeared in the Intelligencer:—

"ANOTHER CARD.

"GEORGE KREMER, of the house of representatives, tenders his respects to the Honorable 'H. CLAY,' and informs him, that, by reference to the editor of the '*Columbian Observer*,' he may ascertain the name of the writer of a letter of the 25th ult., which, it seems, has afforded so much concern to 'H. CLAY.' In the meantime, GEORGE KREMER holds himself ready to prove, to the satisfaction of unprejudiced minds, enough to satisfy them of the accuracy of the statements, which are contained in that letter, to the extent that they concern the course and conduct of 'H.

CLAY.' Being a representative of the people, he will not fear to 'cry aloud and spare not,' when their rights and privileges are at stake."

Now that Mr. Kremer is on the stage, in so important a position, it may be useful to place his character in its true light. Mr. Clay has generously given him credit for "native honesty," and appears never to have entertained any personal illwill toward him. He regarded him solely in the light of a dupe. Mr. Kremer told Mr. Crowningshield, member from Massachusetts, and formerly secretary of the navy, that he was not the author of the letter to the Columbian Observer. He seems manifestly never to have understood it, as will appear by the certificates below from the Hon. Mr. Brent, member of Congress at that time from Louisiana, and friend of Mr. Clay; from the Hon. Mr. Little, of Maryland, also a member, and friend of General Jackson; and Mr. Digges, a citizen of Washington; who were all witnesses of the remarks to which they severally certify.*

During the same debate, a paper, containing an explanation tantamount to these certificates, was submitted to Mr. Clay, as one that Mr. Kremer proposed to sign, if that would be satisfactory; but Mr. Clay replied, that the business was now in the hands of the house, and beyond his control. It was understood, that Mr. Ingham, of Pennsylvania, got hold of this paper, put it in his pocket, and advised Mr. Kremer to take no step without the approbation of his friends. It is equally evident, that Mr. Kremer neither wrote his card, nor clearly understood it. It is sufficient

* "I state, without hesitation, that, on the day on which the debate took place, in the house of representatives, on the proposition to refer Mr. Clay's communication respecting 'Mr. Kremer's card,' to a committee, I heard Mr. Kremer declare at the fireplace, in the lobby of the house of representatives, in a manner and language, which I believed sincere, that he never intended to charge Mr. Clay with corruption or dishonor, in his intended vote for Mr. Adams as president; or that he had transferred, or could transfer, the votes or interests of his friends; that he (Mr. Kremer) was among the last men in the nation, to make such a charge against Mr. Clay; and that his letter was never intended to convey the idea given to it. The substance of the above conversation I immediately communicated to Mr. Buchanan, and Mr. Hemphill, of Pennsylvania, and Mr. Dwight, of Massachusetts, of the house of representatives. "WM. BRENT, of Louisiana.

"*February* 25, 1825."

"I was present, and heard the observation, as above stated, in a conversation between Mr. Brent and Mr. Kremer. "PETER LITTLE, of Maryland."

"In the National Journal, I perceive my name mentioned, as to a conversation which took place in the lobby of the house of representatives, between Mr. Brent, of Louisiana, and Mr. Kremer, and I feel no hesitation in saying, that Mr. Brent's statement, in the paper of this day, is substantially correct.

"WM. DUDLEY DIGGES.

"*March* 1, 1825."

to observe, that Mr. Eaton, the colleague of General Jackson in the senate, and General Jackson's biographer, was closeted for some time with Mr. Kremer the evening before his card was published.

When Mr. Clay and Mr. Eaton afterward had some correspondence on this subject, the former said to the latter: "I did believe, from your nocturnal interview with Mr. Kremer, referred to in my address, that you prepared or advised the publication of his card in the guarded terms in which it is expressed. I should be happy, by a disavowal on your part of the fact of that interview, or of its supposed object, to be able to declare—as in the event of such disavowal, I would take pleasure in declaring—that I have been mistaken in supposing, that you had an agency in the composition and publication of that card." To which Mr. Eaton replied: "You will excuse me from making an attempt to remove any belief, which you entertain upon this subject. It is a matter which gives me no concern." Mr. Eaton also said: "Suppose the fact to be, that I did visit him; and suppose, too, that it was, as you have termed it, 'a *nocturnal* visit;' was there anything existing, that should have denied me this *privilege?*" Certainly not. So, when Mr. Eaton had a fair opportunity, was challenged, and had the strongest motive, he did not deny it. This answer can hardly be regarded other than as tantamount to a confession of the fact; inasmuch as the denial would have taken advantage from Mr. Clay, and given it to Mr. Eaton.

The card was artfully worded, to separate Mr. Clay from his friends, and only proposed to prove the charges of the letter so far as they concerned Mr. Clay. The election was still pending, and it was equally important to abstain from imputations on Mr. Clay's friends, as it was politic to fix them on him.

The moment Mr. Clay saw who his accuser was, by the publication of his card, he perceived, that his real enemies were still under cover, and meant to stay there. To hold Mr. Kremer personally responsible, as he afterward told his constituents, "he would have exposed himself to universal ridicule." There was no alternative left him, but to appeal to the house of representatives, and to demand an investigation. To prevent the evil already done, was impossible; but he could bare his breast to his foes, and say: "Here I am. Do what you will, or can."

The same day on which Mr. Kremer published his card, Mr Clay rose in the house, and delivered the following speech:—

"The speaker [Mr. Clay] rose from his place, and requested the indulgence of the house for a few moments, while he asked its attention to a subject, in which he felt himself deeply concerned. A note had appeared this morning in the National Intelligencer, under the name, and with the authority, as he presumed, of a member of this house from Pennsylvania, which adopted, as his own, a previous letter, published in another print, containing serious and injurious imputations against him, and which the author avowed his readiness to substantiate by proof. These charges implicated his conduct, in regard to the pending presidential election. The respectability of the *station* which the member holds, who thus openly prefers them, and that of the people whom he represents, entitled them to grave attention. It might be, indeed, worthy of consideration, whether the character and dignity of the house itself, did not require a full investigation of them, and an impartial decision on their truth. For, if they were true, if he were capable, and base enough to betray the solemn trust, which the constitution had confided to him; if, yielding to personal views and considerations, he could compromit the highest interests of his country, the house would be scandalized by his continuing to occupy the chair, with which he had been so long honored in presiding at its deliberations, and he merited instantaneous expulsion. Without, however, presuming to indicate what the house might conceive it ought to do, on account of its own purity and honor, he hoped, that he should be allowed respectfully to solicit, in behalf of himself, an inquiry into the truth of the charges to which he referred. Standing in the relations to the house, which both the member from Pennsylvania and himself did, it appeared to him, that here was the proper place to institute the inquiry, in order that, if guilty, HERE the proper punishment might be applied; and if innocent, HERE his character and conduct might be vindicated. He anxiously hoped, therefore, that the house would be pleased to order an investigation to be made into the truth of the charges. Emanating from *such* a source as they did, this was the *only* notice which he could take of them. If the house should think proper to raise a committee, he trusted that some other than the ordinary mode pursued by the practice and rules of the house, would be adopted to appoint the committee."

It will be obvious, that none but an innocent man would have taken this course, without advice, without consultation, promptly on the instant. For, if guilty, he was lost. If guilty, by this act he put himself altogether in the power of his accusers. Even if they had found, in the casual conversations of such an electioneering strife (it would be remarkable if they had not, though no impropriety had been committed), only the slender materials neces-

sary to make out a plausible case before a credulous public, especially their own party, this appeal of Mr. Clay to the house was the very thing for them. If there had been the slightest ground for the charges of Mr. Kremer's letter, the facts were recent, within a few days; they were all on the spot, and could be obtained in an hour; they were on the floor of the house, at the moment this appeal was made. In this appeal, Mr. Clay anticipated the judgment of his peers, in case he should be found guilty, and pronounced his own sentence: "The house would be scandalized by his continuing to occupy the chair, and he merited *instantaneous expulsion*." Was not this enough for them? What could they desire more?

But an investigation of this affair by that house, and a decision thereupon corresponding with the evidence, publicly pronounced —though it was the very course which the accusers, as honest and true men, would have desired—though it was the only course which could, in such circumstances, purge that body from a public scandal—was that, which, most of all, the accusers dreaded, and which they would seek, by all possible means, to avoid. There was not a member upon the floor, nor a man in Washington, that gave the least credit to any one of the charges, nor was there any available evidence there, to impart to one of them the slightest shadow of support. Notwithstanding Mr. Kremer had been made the instrument of the publication of the charges, it has been seen, by the evidence of Messrs. Brent, Little, and Digges, that even he did not believe them, in the sense ascribed to them, and that "he was one of the last men in the nation to make such a charge AGAINST MR. CLAY."

No: this infamous story had been fabricated to go forth upon the country, as capital for future uses. It was already known what would probably be the result of the pending election in the house. It was known, too, that it was universally regarded as suitable, that Mr. Clay should be secretary of state; that all the west, of all parties, would demand it; and that he could not decline, without doing violence to his relations, and to his obligations of duty. Foreseeing these inevitable results, it was only necessary to PREDICT them, in the shape of an accusation of *crime*, of *bargain*, and for all popular purposes, among the less informed and more susceptible masses, over the wide country, for all time that might be necessary for the objects of this diabolical conspira-

cy, the FULFILMENT would be the PROOF! An identical proposition is employed to establish a most flagitious crime!

Of what avail was it, that Mr. Clay demanded an investigation, though justice cried aloud in his behalf, and though it was necessary to purify the house, by his degradation and expulsion, or by his acquittal? It was known, that he could but be acquitted, and that the blow would fall back on the strikers; that the infamy would attach to those, who had begun to blow its breath upon another, and who had resolved to stir that breath into a storm on the head of their victim.

Mr. Forsyth, of Georgia, though a political opponent of Mr. Clay, but always a gentleman of probity and honor, felt the justice of the speaker's appeal—as indeed the whole house did—and rose in his place, and moved, what was afterward modified and passed, as follows:—

"*Resolved*, That the communication made by the speaker to the house, and entered on the journal of the house, be referred to a select committee."

After a debate of a day and a half, the committee was raised by a vote of 125 to 69, and consisted of the following members: Messrs. P. P. Barbour, Webster, McLane, Taylor, Forsyth, Saunders, and Rankin, all political opponents of Mr. Clay in the election of 1824.

Immediately as Mr. Forsyth sat down, Mr. Kremer, supposing he had a duty to perform, and not having received instructions for this new posture of affairs, was the first to rise, and said: "If, upon investigation being instituted, it should appear, that he had not sufficient reason to justify the statements he had made, he trusted he should receive the marked reprobation, which had been suggested by the speaker. Let it fall where it might, he was willing to meet the inquiry, and abide the result." This poor man, as has been seen, knew better how to do as he was BID, than how to act in a new emergency. He had been told, that it was all just so, and he believed it, so far as he understood it. It is not surprising, therefore, that he should adhere to it, till better informed, or otherwise advised. His position at this moment added not a little to the general excitement, as well with those who saw he was ruining their plot, as with those who perceived its atrocity. Mr. Kremer, as the organ, the TOOL, of a band of conspirators, had snatched up the glove which Mr. Clay had thrown down in his appeal to the house, before his masters had time to put him in

check. But the protracted debate afforded time to modify the plot, as circumstances might require, in the progress of an investigation, which now seemed unavoidable, from the general sympathy of the house for a presiding officer, whom they had always respected, whose honor was unsullied, and who was now the subject, as no one doubted, of one of the grossest outrages ever committed in civilized society.

The effect of the debate on the resolution now under consideration, was to call forth the feeling of the house, in these novel and peculiar circumstances. It was impossible not to observe the mustering, under the rival categories of the *corrupt* and the *uncorrupt*—of those who were steeped in the iniquity of this foul scheme, and those who were shocked, not less by its audacity, than by its malignity, and who were resolved to vindicate the honor of that august body to which they belonged. The extracts, in the note*

* Mr. Forsyth, who moved the resolution, said :—

"If the charge is a true one, has not the bargain been made? And if it has, is it not corruption? And what then? It ought to be punished. Has not this house power, not merely to reprimand, but to expel any one of its members, who shall have dared to be guilty of such conduct? If, on the contrary, it shall appear, that any member of this house, governed by mere rumors, and under the influence of jealousy or mere surmises, shall have presumed to hold up, as an infamous bargainer, as a contractor for votes and influence, a member or an officer of this house, will it be contended, that we have no power to punish him? Certainly we have the power to reprimand, and if that is insufficient, we have the power to expel him, as unworthy a seat in this house. If this is denied, what is a member to do, who is publicly charged with an offence of this nature, or where is he to go? This is the proper, and the only place, where his reputation can be vindicated. This house alone is competent to examine into the charges. There can be no doubt, as to the power of the house. An abused or calumniated member must throw himself on the judgment of his peers, that, if falsely accused, the guilt of the calumny may revert on its author. Suppose a person has a large claim pending before this house, and he knows that a certain member, from his ability, from his unblemished reputation for integrity, from his long acquaintance with the rules of business, and from general knowledge of the members, is possessed of great influence over their minds; and that claimant offers this member a bribe, which the member accepts, and circumstances afterward transpire to bring the transaction to light, between the time of accepting the bribe, and the time of deciding on the claim; will any gentleman tell me, that we may not punish such a transaction? Will any gentleman tell me, that we must wait till the crime is consummated—till the vote is given? The charge, in this case, is, that a member of this house intends to give his influence and vote in favor of a certain candidate for the presidency, and on that consideration is to receive a place of profit and honor. Is there any distinction between the two cases? Is not this bribery to all intents and purposes? If the charge is made, it ought to be investigated. If it is true, the member charged, ought to be expelled from this house. If it is not true, the slanderer ought to be punished."

Mr. Wright, of Ohio, said :—

"The presiding officer of this house is directly and positively charged, by a member in his place, with entering into a corrupt contract, by which, for the consideration of an office, dependent on success, he stipulates to transfer his own vote, and those of the members from the states which had voted for him for the presidency, to one of the three candidates presented to us to choose a president from. If it be not a positive charge, I have no conception what idea gentlemen

below, are honorable examples of the feeling expressed on one side, and may be taken as a specimen of the virtue of those who voted with them.

Such, as seen below, were the feelings of those, who, it can not

attach to a positive charge. We are told, sir, with this charge before us, that no offence is imputed, that all rests on rumors; nothing affecting, in the slightest degree, the dignity of the house!—that your presiding officer, corruptly selling his own vote, and those of his fellow members, is no offence to the dignity of the house!—that no ulterior measures can grow out of such a charge, if true!—and that it is beneath our dignity to notice such vague rumors! Sir, will you go to the election of a chief magistrate, while corruption fills your halls, and seeks to find its way into your ballot-boxes? No, sir. Let us go to that work with pure hands, and drive these corrupt bargainers from our presence. Let us investigate these charges; and if they are found true, I have no hesitation in saying, your speaker is unworthy the station he fills, or a seat on this floor; and I, for one, will vote for his expulsion, as I would the member that should falsely make the charge."

Mr. Storrs, of New York, said:—

"He would not express an opinion on the matter now before the house, so far as any one might be concerned as an individual; for it had now assumed a character, which involved the honor and purity of the house. It is no less a question, than, whether we shall vindicate the house itself from the imputation of direct bribery? If the character of its presiding officer is concerned, and, if that seat is even suspected to have been tarnished with dishonor, and we deny the most rigid inquiry, the public confidence in us will be forfeited. What is the true character of the matter, to which it is now proposed to extend the interposition of the house? It was stated, in a public print, that a base and corrupt bargain had been made for the transfer of the votes of certain members of this body, to one of the persons from whom the selection for the next president must constitutionally be made. It is not alleged to have been done out of doors. The publication expressly charges, that this corruption exists within these walls! No essential part of this letter, except the last paragraph, is stated to be founded on hearsay, or rumor. It boldly announces to the nation, that, however strange, base, or disgraceful, the transaction may be, it is nevertheless true! This paper was laid before the house by the member [the speaker] whose name was thus publicly given as the party to this foul bribery; and a member from Pennsylvania, rose in his place, and avowed substantially to the house, his readiness to meet the inquiry which was asked, and to prove the truth of the charges. After such an avowal, in the presence of the house and from a member of the house, Mr. Storrs said, that he felt bound to proceed, and vindicate the house from the charge, or punish the guilty partakers of this corrupt conspiracy.

"Will any one [said Mr. Storrs] undertake to convince this house that, if its presiding officer should be convicted of theft (if I may suppose a case so offensive), we have not the power to dethrone him from the seat which he had thus dishonored? If he is charged with bribery, and the mean barter and sale of his vote, as a member, is it an offence less involving the purity of the place? If the charge were proved, is there one among us, who would not feel degraded in the occupation of these seats? Sir, the place of a representative here, is one of the most transcendent trusts in the gift of the free people of these states. The charge preferred against our presiding officer, strikes at the foundation of all public confidence in the purity of this house. If, sir, these charges can be proved, I would not sit here for a moment, if I thought we must patiently bear the humiliation of such a place. It becomes us, in my judgment, to act firmly and promptly—to bring, if necessary, every member of the house to the scrutiny. If the honor of our speaker is implicated by the inquiry, it is our solemn duty to purify the house of the dishonor. If calumniated, we not only vindicate him, but ourselves. The charge is too palpably made, to be evaded. The proof is offered, and if we now deny the inquiry, *the nation itself will inquire, and pass their judgment on him and us, without proof.* If the speaker were my own kin, and were convicted, not of crime, but even of dishonor, I would proceed to the last resort."

be doubted, rightly appreciated the nature of this occasion. The speaker of the house had made his appeal, and such was the response of 125 of its members against 69, who could not, or would not, sympathize with these sentiments—who were in favor of suppressing inquiry, and leaving their presiding officer under the stain of these detestable charges. But a committee of seven of the most eminent members of the house—not one of them, however, a political friend of Mr. Clay—was appointed, and sent forth to their duty; and the following is their report:—

"February 9, 1825.—Mr. P. P. Barbour, from the select committee, on the speaker's appeal, &c., reported: That, upon their first meeting, with a view to execute the duty imposed upon them by the house, they directed their chairman to address a letter to the Hon. George Kremer, informing him, that they would be ready, at a particular time, therein stated, to receive any evidence or explanation he might have to offer, touching the charges referred to in the communication of the speaker, of the 3d instant; their chairman, in conformity with this instruction, did address such a letter to Mr. Kremer, who replied, that he would make a communication to the committee; accordingly, he did send to them, through their chairman, a communication, which accompanies this report, marked A, in which he declines to appear before them, for either of the purposes mentioned in their letter, alleging, that he could not do so, without appearing, either as an accuser or a witness, both of which he protested against. In this posture of the case, the committee can take no further steps. They are aware, that it is competent to the house, to invest them with power to send for persons and papers, and by that means to enable them to make any investigation, which might be thought necessary; and if they knew any reason for such investigation, they would have asked to be clothed with the proper power; but not having, themselves, any such knowledge, they have felt it to be their duty only to lay before the house, the communication, which they have received."

It can not be denied, that this is one of the most extraordinary results recorded in the annals of parliamentary proceedings. That Mr. Kremer, in obedience to instructions, should have acted in this manner, considering the part he had already acted, is not surprising, notwithstanding the bold advances he had made, and the confident airs he had assumed—notwithstanding he was bound by honor and the most solemn engagements. He had pledged himself: "If, upon investigation being instituted, it should appear, that he had not sufficient reason to justify the statement he had made, he trusted he should receive the marked reprobation which

had been suggested by the speaker [referring to the speaker's appeal]. Let it fall where it might, he was willing to meet the inquiry, and abide the result." It was rightly foreseen, that the result of an investigation, would not only defeat the aims of the authors of this conspiracy, but cover them with everlasting reproach and infamy. Better to retreat, under the guise of a protest, disgraceful though it was, than to brave the inextricable difficulties before them—than to fail of their end, and themselves swallow the contents of the poisoned chalice, which they had mixed up for one sole victim. Justice to Mr. Clay was the very thing they wished to keep back, and what was the honor of the house of representatives of the United States, with members of that body, who could concert and carry on such a scheme?

The communication from Mr. Kremer, referred to in the report of the committee, will be found in the note below.*

* "GENTLEMEN: I have received your note of yesterday, in which you inform me, that you will meet at 10 o'clock this morning, and will there be ready to receive any evidence, or explanation, I may have to offer, touching the charges referred to in the communication of the speaker of the 3d inst. Placed under circumstances unprecedented, and which I believe not only interesting to myself, but important as connected with the fundamental principles of our government, I have reflected with much deliberation, on the course, which duty to myself and my constituents required me to adopt. The result of this reflection is, that I cannot, consistently with a proper regard to these duties, assent to place myself before your committee, in either of the attitudes indicated in your note. The object of the committee does not distinctly appear from your note; but I may infer from its contents, connected with the extraordinary and unprecedented proceedings in the case, that it is to hold me responsible, through a committee of the house of representatives, for a letter, dated the 25th of January last, addressed to the editor of the Columbian Observer, and published in his paper of the 28th, which was intended to communicate, through that channel, information which I deemed interesting to my constituents, and very important to be known to the whole American people at this peculiar crisis. Thus viewing the subject, I can not perceive any principle of power in the constitution, which can give the house of representatives, and consequently a committee created by it, jurisdiction over me as the writer of that letter. It neither involves a question of contempt of the house, nor an impeachment of an officer of the government under the constitution: and I can discover no authority, by which the house can assume jurisdiction in the case. If the authority of the house extended to acts of this kind, no limitation could be prescribed to its power, and it may reach the publisher as well as the writer, and extend to every member of the government, as well as the speaker of the house of representatives. But it is not only the unconstitutionality of the power that forbids me to appear before you. Placed as I am, I can not but perceive the dangerous consequences, as well as its unconstitutional character.

"Should I yield to such authority, I would be made amenable to a tribunal, which, thus constituted, has no prescribed limitation to its rules of proceedings, and which is alike unlimited in the nature and extent of the punishment it may inflict. Nor can I be ignorant of the fact, that this body, thus unlimited in its rules, and in the extent of its powers, is at all times, but more especially at a crisis like the present, subject, by its very constitution, and the nature of its functions, to be acted upon by some of the most powerful passions that actuate the human breast, which unfit it to perform, in that cool and deliberate manner, the duties which properly belong to a court and jury. If it should be considered as proper, that members be held responsible here for the communication of their

This document claims a place and notice, not on account of its nominal author, but as emanating from the conspirators. The dishonor and injustice of this retreat are equalled only by the false and

opinions out of the house, on public men and public affairs, it would be much more safe, that they should be placed at once under the operation of the *sedition law;* and so far as the members of this house are concerned, the repeal of that famous law might be considered as a calamity, rather than a blessing. Thus regarding the constitutional power of the house, and the nature of that which is proposed to be exercised in my case, I have determined, under a deep sense of duty to myself and my constituents, not to submit to a procedure fraught with such dangerous consequences. I therefore protest most solemnly against the assumption of any jurisdiction, either by the committee or the house of representatives, that shall jeopard my right to communicate freely to my constituents whatever I may believe necessary for the public good. It is not my intention, in the slightest degree, to impeach the character either of the committee or of the house, for which I have the greatest respect, and the authority of which, within its constitutional sphere, I regard it my pride and my duty to sustain. In refusing to submit to the authority of the house, as the writer of the letter before alluded to, it may be proper to remark, in explanation of the admission, which I may seem to have made of its jurisdiction:—Whatever assent I may have given, was done hastily, relying on the conscious rectitude of my conduct, and regarding my own case, without having reflected duly on the dangerous principles involved in the proceedings, and can not therefore be considered as a waiver of my rights. The committee will observe, that the honorable speaker, in his card, had chosen to make this matter a *personal* question with the then unknown writer of the letter. After due reflection, I determined, at all hazards, not to conceal the fact of being the author of the letter, and did not expect, by this disclosure, to enable the honorable speaker to place me under the jurisdiction of the house. His appeal was sudden and unexpected, and if my admission was made, without due regard to all the circumstances and principles of the case, it could be no matter of surprise. In deciding the jurisdiction of the committee and the house, I feel the authority of another tribunal, before which I shall cheerfully appear, and bring forward, forthwith, those facts and circumstances, which, in my opinion, fully authorize the statements contained in my letter. These I shall spread before my constituents, to whom I am amenable for all my conduct, while I am honored with a seat in this house, and I shall never hesitate, when the correctness of my conduct is brought in question, to attempt my vindication before them; and while sustained by them, and the conviction of my own conscience, I shall never be deterred from the performance of my duty here or elsewhere. In presenting my protest, I have gone on the supposition, that it was the intention of the house, in raising a committee, to hold me responsible to its jurisdiction, as the writer of the letter, which has caused the present proceeding. There is, however, another view of the subject, which deserves notice. It may be inferred, from the note of the committee, that it is not so much its intention, in requesting my attendance, to take jurisdiction over me, as to avail themselves of my testimony, which the speaker has requested to have investigated by the house. In this view, my objection to attending, is no less decisive than the one already considered. It would always afford me pleasure, when imperious duty did not forbid, to give all the information in my power to an investigation, which may be deemed by the house important to the character of any one of its members; but, circumstanced as I am, it is manifest, if I should appear before the committee, I must be considered not so much in the light of a mere witness, as that of an accuser, presenting charges against the speaker to the house, and those charges not the specific statements contained in my letter, but the general and indefinite ones, into which the speaker has sought an inquiry. It is manifest, that the difference will be great between the attitude, in which I should then be placed, and the one in which I now stand, and which duty to myself and to my constituents forbid me to abandon. In coming to this determination, I am not governed by any disposition to retract or modify anything contained in my letter, which was written under a conviction of its being true, and important to be known. But there are many things which we are bound to communicate to those we represent, which prudence and

dishonorable reasoning of the paper. If Mr. Kremer was "placed under circumstances unprecedented," as he avers, how came he there, and by whose fault? Can a man arraigned for an "unprecedented" crime, plead its enormity as a reason why the court shall not try him? And will the court discharge him on that ground? The nonsense of its being "connected with the fundamental principles of the government," answers itself. What offence is not so connected, mediately or immediately? His reflections "on the course which duty to himself and his constituents required him to adopt," in this case, and the conclusion at which he arrived, to wit, to fly from justice, were no doubt as wise as similar acts of any breaker of law, who forces his way out of court, or out of prison. The attempt to escape from the responsibility of the charge made on the floor of the house, and to raise a special plea about the original publication in the Columbian Observer, is in keeping with the dishonor of the whole transaction; and the justification on the ground that "he deemed it interesting to his constituents, and important to be known to the whole American people," would of course only aggravate the offence, as a calumny, and was a most singular reason for withdrawing from an investigation. Still turning away from his charge made in the house, and falling back on his letter, "he can not perceive any principle of power in the constitution which can give the house jurisdiction"

duty would both forbid being presented to the house, in the form of accusations. This will be manifest, when we reflect, that even this house may not at all times be free from the vice of passion, and the taint of corruption. Those who have read the history of human frailty, will require no proof of this assertion. If this view be just, which, I think, can not be questioned, it must be manifest, that a member of this house may be placed under such circumstances, as to make it his highest duty to speak freely and fully, even of the house itself, to those he represents, when it would be madness and folly to present charges for their investigation. If such be the obligations of duty in extraordinary cases, the mere dictates of prudence will, in many instances, compel him to abstain from presenting to the house, for investigation, facts which might implicate the conduct or motives of any of its members, when they ought to be freely communicated to his constituents.

"In the present case, although I feel myself justified, as the writer of the letter, I feel myself bound, both by prudence and duty, not to appear in the character of an accuser of the speaker, upon charges not my own, but those which he has requested to be investigated. I need not advert to circumstances, which render it peculiarly improper at the present time. The deep excitement, which the important crisis has produced, the unequal contest between an humble member on the floor and the speaker of the house, are themselves circumstances, which can not be overlooked, in coming to the conclusion, that the issue should be left before the American people, or the ordinary tribunals of the country; and I therefore protest against the proceedings in this view, as well as against the power of the house to exercise jurisdiction over me, as being equally calculated to restrain the exercise of my just rights, in an unconstitutional manner.

"I have the honor to be, with great respect, your obedient servant,

"GEORGE KREMER.

"WASHINGTON, *February* 8, 1825."

of the case. Then comes a homily on the danger of public liberty involved in this unconstitutional stretch of power. One reason assigned is, that, by acquiescing in the proceeding, he would be submitting to "a tribunal of unlimited powers." But the constitution says: "Each house [of Congress] may determine the rules of its proceedings, punish its members for disorderly behavior, and, with concurrence of two thirds, *expel* a member." So here is not only authority for action over members, in cases determined by the rules to be offences, but the punishment is *limited* to expulsion, and not unlimited, as Mr. Kremer says. He next pleads the special "unfitness of that body to perform in a cool and deliberate manner the duties of a court." On the same ground. any criminal might escape from any court, and law should never be administered, because the authorities are human, and may err; or may be guilty of the error apprehended in this case, to wit, they may have a just sense of the nature of the offence. Next is invoked the ghost of the old defunct sedition law, as an *ad captandum vulgus*—"much more safe to be placed at once under it." The fact that the sedition law was dead, proves that this offence could be tried nowhere else except in the house of representatives; and no doubt Mr. Kremer had good reason for desiring, that what he had said and done as a member of that body, in relation to a fellow-member—to the speaker—should come under the same license which protected him as the author of the letter—that being a transaction out of doors. The gravity with which he arrives at his conclusion a second time, and the solemnity with which he protests against the power of the house to act in the case, would be a most befitting scene for the pencil of Hogarth, if the detestable trick of reasoning from the fact of the letter, instead of coming up manfully to the charge he had made on the floor of the house, did not rescue it from the province of a Hogarth, and assign the task to the painter of diabolical plots. And what does this solemn protest propose to protect? Mr. Kremer's "right *freely*" to calumniate the speaker of the house of representatives "to his constituents;" and to do it with impunity, if he "believes it necessary for the public good!" He will never consent to be held accountable *anywhere* for so worthy and patriotic a function. "In refusing to submit to the authority of the house," says Mr. Kremer. This, certainly, is very cool. He only REFUSES to submit to the authority of the body of which he is a member! But he still assigns a reason which can not be admitted—"as the writer of the letter."

It was his action as a member of the house, where the letter was fathered, that was under investigation. He says what he did in the house, in consenting to an investigation, "was done hastily." No doubt it was. "Without having reflected duly on the dangerous principles involved in the proceeding." More properly, without having reflected on the danger to himself. He then flies off to the CARD of the honorable speaker, as proposing to make this business "a *personal* affair," though he does not, himself, *insist* on that mode of settlement; but he "determined *at all hazards*" to throw off the mask. He did not, however, "expect to be placed under the jurisdiction of the house." How could the simple man expect to get OUT from under this jurisdiction, so long as he was a member, and for all his conduct AS a member? He was taken by "surprise." Doubtless. And he, GEORGE KREMER, modestly took upon *himself* to decide the jurisdiction of the house. "In deciding," &c. He then appeals to "another tribunal," meaning, doubtless, to challenge a libel suit in the common courts. This would seem very fair to the people, to whom all this was addressed, inasmuch as they would be very unlikely to think, first, that a public man never prosecutes for libel on him, *as such;* and next, that, without the aid of the sedition law, an action of this kind could not be maintained. There was, therefore, a doubly-false pretence in this, and a double security for the pretender. Mr. Kremer stoutly reaffirms his charge, in the very act of repudiating responsibility, and withdrawing from the investigation, and announces his purpose to make it good before his constituents and all the world!

Nearly the whole of Mr. Kremer's reasoning is based on the false assumption, that he is arraigned as the writer of the letter, and he enters a plea against jurisdiction. He was not arraigned at all. He had made his charge in the house, and offered to prove it; and the course proposed was to give him an opportunity. It had become, by his own acts, a question, not only of private, but of public justice. He next declines as a *witness;* then as an *accuser.* In this last character he certainly stood, and this was his position. He had not been called as a witness; nor, as yet, had he been *required* to substantiate his charges. It was his own proposal; and the house was throwing open to him the door, and was in the way of affording him facilities by resolving itself into a court for the occasion, which was its undoubted prerogative. The reason assigned for declining the office of accuser, after having volun-

teered it, was, that he would be required to sustain other than "the specific statements of his letter." This was false. Nothing else was expected. He speaks of the different "attitudes" of an accuser in this case, and a member of the house, and says, that duty to himself and his constituents forbid, that he should abandon the latter for the former. There could manifestly be no *abandonment* of his "attitude" as a member, though it might chance to result in his *expulsion;* and it was not less true that he had put himself in the "attitude" of accuser, than that his constituents had made him a member of Congress. He repeats, that he *retracts nothing*, and believes the whole; and maintains, that he may say one thing in one place (to his constituents), and not be bound to maintain it in another (the house of representatives). But he *had* said the same things in the latter place. He seemed to think that the house of representatives was a body of doubtful purity, and that it would be most *prudent* for him to keep out of their hands. If this "prudence" had begun in good time, it might have been well; but a lecture on this subject ill-becomes one who stands convicted of the most censurable rashness. He had already done the very thing from which he proposes, by considerations of "prudence," to abstain!

Again he reiterates the charge, and again declines supporting it! He thinks it would be an unequal contest, because the speaker is more powerful than he; and therefore concludes, that "*the issue should be left with the American people*, or with the ordinary tribunals of the country." Without a sedition law, it could not be brought before the latter. It was a singular inadvertence, that the true secret of this conspiracy, viz., the design of bringing it "BEFORE THE AMERICAN PEOPLE," and leaving it there, *uninvestigated*, to use as they might please, and as they could, then and thereafter, should have been here *confessed*, and that this object should have been *assigned* as one ground of protest against the proceeding! "In THIS view, I therefore protest!"

It is a remarkable artifice of this document, that its absurd position in relation to Mr. Kremer's charge in the house; its absurd reasonings; its *apparently* unskilful structure, though well devised for its great end; its repetitions; its diffuseness; and its numerous weak and vulnerable points, should be so well calculated to produce the impression, that none but George Kremer could have written it; and though nobody believed that he was the author of either of the papers ascribed to him in this affair, it is quite proba

ble, that the thoughts being supplied, he worked them over in his own dialect, and then submitted the product for correction and sanction. That he had help and *superintendence* in each of them, no one ever doubted.

The apology for giving so conspicuous a place, and so much notice, to this document, consists in the fact, that the position which it occupied was taken up as a PIVOT for a great moral and political LEVER to influence and control the whole country, from that time henceforth—for that occasion, and for all occasions that might arise in future national contests. Nothing could be more true, than Mr. Storrs' remark in debate on the appointment of the committee, before cited: "If we now deny the inquiry, *the nation itself will inquire, and pass their judgment on him* [the honorable speaker] *and us*, WITHOUT PROOF." The masses of people, in a democratic community, are naturally jealous of eminent and influential men, slow to give them credit for virtue before they are adopted in their affections, credulous toward all rumors of fault in them, and are incapable of knowing what can and what can not be true. The greater the improbability of an alleged fault, in the judgment of discerning minds, so much more powerfully does it impress the imagination of common persons, and so much stronger is the disposition to entertain it, if they do not care about the person or persons accused; and when once the story has obtained credit, though utterly false, and surpassing all human probability, it can never be eradicated from the mind of a generation that has cherished it. Still more difficult is it to obtain a just verdict, when slander is propagated and continuously supported by a chief that is idolized by his adherents. Even when a case of slander has been tried by the proper tribunal, and a full acquittal obtained, the injured person is never indemnified in common opinion. A man acquitted, can not be so pure, before all the world, as one never accused. But when the only tribunal that can try his case, lets the accuser go free, after justice has been invoked, the accused is condemned in the judgment of mankind, till the error of the court in denying justice, can be made manifest. The only appeal is to the public, which inclines to respect constituted tribunals, more than private individuals. This was the irresistible element of power over Mr. Clay, which was the subject of deliberate calculation by this conspiracy, when Mr. Kremer was instructed and required (he appeared to be entirely under their control) to decline an investigation.

It may, indeed, seem strange, that the house of representatives should have consented to this injustice at the time, or that an investigation was not afterward forced upon them. But the expression of opinion, in the vote for the committee—125 to 69—was regarded as a verdict; the report of the committee was made on the 9th of February, and the election of president by the house was to be on that day; all were absorbed in that eventful struggle; the position taken by the conspirators, in retreating from an investigation, closed the door, except by a resort to forcible measures; there was no tangible force that could be applied; nobody on the spot gave the least credit to the charges, and they were commonly pronounced unworthy of judicial inquiry; and there never was a time afterward, when the practicability of an investigation was not further and further removed. From that day to this, no intelligent person of either party, not interested in the conspiracy, has ever pretended that the charges were worthy of respect, while the minds of a great mass of the people of the United States have been poisoned by them, and the conspirators have thereby controlled the destinies of the parties concerned, and the destiny of the nation.

It is not improbable, that the conspirators were surprised at the course into which their machinations conducted them, and that they intended, or hoped, to force Mr. Clay into the support of General Jackson, for fear of consequences to himself. He could not fail to see at a glance the terrible ordeal through which he was doomed to pass, if he should do the very thing which this charge of bargain predicted. His appeal to the house, therefore, calling for investigation, might have been unexpected. On this supposition, they were ill prepared for the next step, and were obliged to take counsel. The indiscretion into which Mr. Kremer immediately plunged, is at least some evidence of this. It involved them in a difficulty, from which it was not easy to extricate themselves, and the manner of their getting out of it, dooms them to ineffaceable dishonor. If there had been the faintest shadow of evidence to support the charge—if a single witness could have been found to say he had observed *one* act, or heard *one* word, from a friend of Mr. Adams or Mr. Clay, that had a *squinting* toward bargain, the conspirators would have seized upon it, and though Mr. Adams and Mr. Clay were perfectly innocent, there would have been no escape for them. It is singular, indeed, when it is known to be customary to electioneer in such cases—to say and do things, which, in an opponent's hands, might have been

tortured into an appearance of bargaining—that nothing of the kind could be found, or ever has been found.

The conspirators, having gone thus far, were compelled to go farther, or be themselves ruined. An investigation would have established the innocence of the parties accused, would have set them on the highest eminence, and would have plunged the plotters into hopeless perdition, as to their political prospects. Since General Jackson could not be elected *this* time, by forcing Mr. Clay to his support—disgraceful as it was to retreat from the investigation—they resolved that he should be elected *next* time, by keeping this charge for ever over Mr. Clay's head! And Mr. Kremer was instructed accordingly.

It is of very little consequence who wrote this document of Mr. Kremer; but there is a remarkable coincidence of thought and expression between it and the speech made by the Hon. S. D. Ingham, of Pennsylvania, when the appointment of the committee of investigation was under debate. For the gratification of the curious, and not less for the instruction of all, a few of these TWIN passages are offered for consideration:—

"The question," said Mr. Ingham, "had been represented on all sides, as a question of privilege. He had had the honor to be present some years ago, when the nature of this prerogative underwent a full and solemn discussion, and he well remembered, that it was then determined, *that the power of the house to punish, was a power which had no limits.*"

A perusal of Mr. Kremer's letter to the committee, will show, that this boundless power of the house—(not a fact, however)—is a prominent and leading idea in that document, frequently iterated.

Mr. Ingham says: "But may you not, on this principle, follow up all the printers in the United States?" Mr. Kremer says: "If the authority of the house extended to acts of this kind, no limitation could be prescribed to its power, and it may reach the publisher as well as the writer," &c. Mr. Ingham says: "Is there any earthly difference between a newspaper article written by a member out of this house, and such an article written by any other person?" Mr. Kremer says: "If it should be considered as proper, that members be held responsible here for the communication of their opinions out of the house, on public men and public affairs." &c. Mr. Ingham says: "Did a gentleman, by becoming a member of this house, deprive himself of the ordinary privileges which he would have had, had he remained out of the house?" Mr. Kremer says: "I can not perceive any principle of power in the constitution, which can give the house of representa-

tives jurisdiction over me, as the writer of that letter." Mr. Ingham says: "Might he not write to his constituents, the same as other gentlemen wrote to their friends?"—"If an attempt were made to arraign me for writing a letter to my constituents, I would not answer." Mr. Kremer says: "Information, which I deemed interesting to my constituents"—"facts which might implicate the conduct or motives of members, which ought to be communicated to their constituents"—"I protest against the assumption of any jurisdiction by the house, that shall jeopard my right to communicate freely to my constituents, whatever I may believe necessary for the public good"—"the attitude which duty to myself and my constituents, forbids me to abandon," &c. Mr. Ingham says: "I would stand mute, and deny, and defy your power. You might imprison, and manacle me with chains. But you should never compel me to become a voluntary instrument to violate the constitution in my person." Mr. Kremer says: "It is not only the unconstitutionality of the power, which forbids me to appear before you; placed as I am, I can not but perceive the dangerous consequences, as well as its unconstitutional character."—"Thus regarding the constitutional power of the house, I have determined not to submit to a proceeding fraught with such dangerous consequences." Mr. Ingham says: "We all know there is already a great excitement existing, and that it is increasing every moment like the rapidity of a descending body." Mr. Kremer says: "Nor can I be ignorant of the fact, that this body is at all times, but more especially at a crisis like the present, subject to be acted upon by some of the most powerful passions that actuate the human breast"—"The deep excitement which the important crisis has produced," &c. Mr. Ingham says: "What are the respective conditions of the two individuals concerned? The one occupies a lofty station—he is placed high before the view of the country—he possesses the just confidence of the members of this house, &c. All these things create a great difference between him and the member who has accused him." Mr. Kremer says: "I must be considered as presenting charges against the speaker. . . . . It is manifest, that the difference will be great. . . . . The unequal contest between an humble member on the floor, and the speaker of the house, are circumstances which can not be overlooked."

These resemblances of thought and expression, between Mr. Ingham's speech and Mr. Kremer's *reputed* letter to the committee, might be further cited. They are at least quite remarkable for *accidental* coincidences. Excepting a few features peculiar to each position, they might naturally enough be taken for so many TWINS, for reflected images from the same original, the one an echo of the other. Doubtless, the member, who pocketed the

paper, which Mr. Kremer proposed to sign to satisfy Mr. Clay, and who advised Mr. Kremer to take no step without the approbation of his friends, would not be disinclined to render his services in preparing this communication to the committee.

The position of the conspirators and of Mr. Clay at the end of this first stage, before the election for president had taken place, may be defined as follows: "Now let Mr. Clay support Mr. Adams, if he DARE. Now let him accept the office of secretary of state, if he DARE. If he does either—especially if he does both—WE HAVE HIM." If he had done the first, and not the last, the charge would still have been maintained, with this difference, that he had only been frightened out of the secretaryship, by the justness of the accusation.

No one can fail to be impressed with the atrocious character of this plot. The frankness, fearlessness, and lofty dignity of the accused, stand in striking contrast to the diabolical designs of his accusers. Conscious of innocence, he throws himself on the weapons of his assailants, and bids them strike. He appeals to the only rightful court, and demands judgment. From the presence of that tribunal, constituted for the occasion, and ready to proceed, the accusers flee!

CHAPTER XV.

THE GREAT CONSPIRACY.

General Jackson comes out as the Public Accuser of Mr. Clay.—The Fayetteville Letter.—General Jackson's Letter to Carter Beverley.—The Manner of its being made public.—Mr. Clay's Reply to it in an Address to the Public.—General Jackson's Address to the Public.—These Documents considered.

It has been seen, in the preceding chapter, that the charge of BARGAIN between Mr. Adams and Mr. Clay, was got up, first to frighten Mr. Clay into the support of General Jackson; and failing in that, the investigation was dishonorably declined, to keep the charge pending for future use. It was only necessary, after the first disappointment, to bar inquiry, and hang up the charge—to lodge it in the public mind of the country, to work there as it might and necessarily must, without a judicial verdict, without check, and with the evidence before the people, that the FACTS which the charge predicted, had come to pass. What did it predict? That Mr. Clay and his friends would vote for Mr. Adams. So they did. That Mr. Clay would be made secretary of state. So he was. Was not, then, the charge proved by the EVENTS? It was not enough to do away its force in the popular mind, to say, that Mr. Clay and his friends had a right to vote for Mr. Adams; or that the claims of the west, of Jackson men and all, forced Mr. Clay into the state department—both of which were undoubtedly true. They who conceived and published the charge, knew, that, if it did not accomplish its purpose in the first instance, by destroying Mr. Clay's freedom and that of his friends, and by forcing them to vote for a man to fill the presidential chair, to whom they were conscientiously opposed, it would answer all their purposes another time. They foresaw, that the charge would be identified with coming events, and that, with the mass of unreflecting minds, it would require no other evidence of its truth. When suspicion was thus roused, the people generally would not think, that the very acts represented as criminal, might not only

be innocent, but virtuous—a high, conscientious, and sacred duty, that, with honorable men, they should be presumed innocent, that, in doing the same things, the accusers claimed to be innocent; and that it would have been equally fair to hurl back the charge on the aggressors.

When the conspirators had succeeded in arresting the investigation in the house of representatives, by such dishonorable means, the field was all their own, and they had only to choose their own time, and their own way, to accomplish their end. In the meantime, the charge was kept before the country, and kept moving, in connexion with the obvious facts, which were alleged as proof: Mr. Adams as president, elected by Mr. Clay and his friends; and Mr. Clay as secretary of state, made secretary, *as averred*, in reward for his services in making Mr. Adams president. Such was the charge, and such the facts. It need not be said, that the people are naturally jealous of men in power, and eagerly listen to accusations against them; and that they easily sympathize with men out of power, who allege that they are unjustly kept out. How much more with a popular favorite, supposed to be deprived of his rights?

In evidence, that such was the prospective plan of this conspiracy, it might be sufficient to call attention to the artful manner, in which Mr. Buchanan introduces the following paragraph, in a letter to the editor of the United States Telegraph, dated October 16, 1826: "The FACTS are before the world, that Mr. Clay and his particular friends made Mr. Adams president, and Clay secretary of state. The people will draw their own *inference* from such conduct, and the circumstances connected with it. They will judge of the *cause*, from the *effects*."

Mr. Benton (Hon. T. H.), when asked by Mr. Wm. Eckert, at St. Charles, Mo., in the fall of 1827, "if he believed, that Adams and Clay were guilty of bargain and sale, or barter?" replied: "Believe it? I am bound to believe it. I may say, I know it. No man, in his common senses, at the public scene of action, as I was, could believe otherwise. The FACT was this: Clay says, 'I will make you president, if you will make me secretary.' What was the RESULT? IT WAS DONE."

The Hon. Lynn Boyd, of Kentucky, said on the floor of the house of representatives, April 30, 1844: "What was then rumor, became FACT, on the organization of the administration. Many thought they saw in that arrangement, both the *cause* and

effect of Mr. Adams's election, and the confirmation of Mr. Kremer's charge."

In a preamble of the legislature of Tennessee, prefixed to resolutions on this subject, passed in 1827, they say: "Mr. Adams desired the office of president. He went into the combination *without* it, and came out *with* it. Mr. Clay desired that of secretary of state. He went into the combination *without* it, and came out *with* it."

The notorious George Kremer, in a speech at Berlin, Pa., September 17, 1827, said: "Are the charges true? Can any one doubt it, who considers, that he [Mr. Clay] has *performed the act*, which the [my] letter charges him with *intending* to do, and now holds the office, which was *proclaimed* as the consideration for the service rendered?" If Mr. Kremer did not know the injustice of this, as a *non sequitur*, no one, probably, would make such an apology for Mr. Buchanan, or Mr. Benton, or Mr. Boyd, or the legislature of Tennessee.

In this state of things, and with these advantages, General Jackson was a candidate for 1828. With the exception of the common warfare of the newspapers, which never permitted the subject to sleep, the charge against Mr. Adams and Mr. Clay, had not, for more than two years, received any new shape, nor been renewed by any responsible authority. In the spring of 1827, however, the following letter appeared anonymously, in the Fayetteville Observer, North Carolina:—

"NASHVILLE, *March* 8, 1827.

"I have just returned from General Jackson's. I found a crowd of company with him. Seven Virginians were of the number. He gave me a most friendly reception, and urged me to stay some days longer with him. He told me this morning, *before all his company*, in reply to a question I put to him concerning the election of J. Q. Adams to the presidency, that Mr. Clay's *friends* made a proposition to *his* friends, that, if they would promise, *for him* [General Jackson] *not* to put Mr. Adams into the seat of secretary of state, Mr. Clay and his friends would, *in one hour*, make *him* [Jackson] the president. He [General Jackson] most indignantly rejected the proposition, and declared he would not compromit himself; and unless most openly and fairly made the president by Congress, he would never receive it He declared, that he said to them, he would see the whole earth sink under them, before he would *bargain* or intrigue for it."

A letter of this character, from such a quarter, though anonymous, could not fail to attract attention, and be circulated rapidly

throughout the Union. It purported to be from *Nashville*, and fresh from the HERMITAGE, of the truth of which there was no reason to doubt. It was the first roar of the lion, after more than two years of *apparently* quiet repose. And there was something startling in the paraphernalia of the display. "A crowd of company, and *seven* Virginians." The writer, a Virginian, was greeted with "a most friendly reception, and urged to stay longer." It has the appearance of a GRAND COUNCIL. It was so, doubtless, and might have been a very innocent one. It was natural enough, that a candidate for the presidency should have a good deal of company, and perfectly proper, that the plan of the campaign, and the most effective modes of action, if honorable, should be a subject of discussion. It is somewhat remarkable, however, that the writer of this letter should have left the Hermitage the very day when the old charge of BARGAIN between Mr. Adams and Mr. Clay had been a subject of consideration "*before all the company*," to announce to the world, for the first time, that General Jackson himself was prepared, and had made up his mind, to renew the charge on his own responsibility! It is true, this announcement does not at first appear as *authorized;* but a subsequent letter from General Jackson, invoked by the writer of this, will show, that he was not only not disappointed, but that he betrayed manifest satisfaction: "Your inquiries were answered *freely and frankly*"—"*having no concealment myself, nor any dread*," &c.—"*my feelings toward you are not the least changed. I* ALWAYS *intended*," &c. It is moreover remarkable, that this writer should have made his communication to the Fayetteville Observer before he had started on his return, as if it were not only a thing resolved on, but a thing that required *despatch*. He wrote from *Nashville* the very day the precious morceau was put in his possession. It was the burden of his communication—apparently his sole errand.

This was a new start of the ball. And WHENCE was it thus tossed on the wide theatre of the Union? From the HERMITAGE! It was a matter confessedly talked of "*before all the company*," and it was not a small company, nor were they unimportant characters. General Jackson spoke "*freely and frankly*" on the subject, "having *no concealment, nor any dread*—he ALWAYS intended."—"ALWAYS." How long? From what time? "*Always*" is a good while. No one can suppose, that any less is meant by this. than from the time when the charge was first

brought forward by George Kremer, in January, 1825, a little less than two years and a half, taking the date of these expressions. "I always intended," clearly proves, that he always considered it *his own affair*. It has been seen, in the preceding chapter, that Mr. Eaton did not deny, when he had the strongest motive for denying, if he could, that he had to do with Mr. Kremer's CARD published in the National Intelligencer, in answer to Mr. Clay's CARD. Is it to be supposed, that General Jackson—than whom no person could be more deeply interested, and who was on the spot—could have been an indifferent spectator of the agitation occasioned by the publication of Mr. Kremer's letter in the Columbian Observer, January, 1825? Or that he and Mr. Eaton, for example—not to speak of other intimate friends—should never have had any conversations on the subject, while these events were passing? It would be very extraordinary if they had not. In Gen. Jackson's address to the public, of the 18th of July, as will hereafter be seen, his intimacy with Major Eaton at that time, and on this subject, is apparent by his own statement: "The evening before he [Mr. Buchanan] had communicated substantially the same proposition [of bargain] to MAJOR EATON," &c. General Jackson, it would seem, was every day, and if occasion required, every hour, informed as to the position and progress of the Kremer affair of 1825. Being on the ground as a member of the senate, and one of the two principal parties interested, it could not be otherwise. He was, indeed, the ACCUSER, but did not appear *publicly* as such, till 1827.

He had his THOUGHTS, and "always intended." It will be seen by-and-by WHAT he intended. But his evidence on the subject, as announced in the letter published at Fayetteville, establishes the fact, that there *were* communications between him and others in relation to this affair, and that he showed a great deal of feeling, as well he might, according to his account of it. It is also evident, by his own statements, as will be seen, that, from the first, he had "*always*" had a settled, though contingent plan, as to how he would treat the matter publicly. But as that contingency had not happened, down to the 8th March, 1827, a step was then taken, in consequence of his own act, to which he never objected, and which could be sustained only by his authority, to *force* its happening. One thing is certain, that he could not decently appear upon the public stage, as an actor in this scene, until it *did* happen. Hence, as may be supposed, the conversation "before

all the company," at the Hermitage, on the 8th March, 1827, as reported in the letter of the same date above cited, from Nashville to Fayetteville. This was manifestly well calculated to make a stir in the land. And so it did. It was everywhere copied, and remarked upon according to the feeling of parties. Mr. Duff Green, the editor of the Washington Telegraph, a Jackson paper, came out, and said, that he had heard General Jackson, in March, 1825, make the same statement, as that contained in the letter published in the Fayetteville Observer. Here was a double echo. A correspondent of the "*Democratic Press*," under date of Washington, 18th April, 1827, having quoted the letter from Nashville, of the 8th of March, said:—

"After reading this extraordinary declaration of General Jackson, '*before all his company*,' I called on Mr. Clay, and inquired, if he knew anything about it? He [Mr. Clay] replied without hesitation, and with his accustomed frankness, that 'the statement, that his friends had made such a proposition as the letter describes, to the friends of General Jackson, was, as far as he knew or believed, *utterly* destitute of foundation; that he was unwilling to believe, that General Jackson had made any such statement; but that, no matter with whom it originated, he was fully persuaded it was a gross fabrication, of the same calumnious character with the *Kremer* story.'"

This denial, as will be seen, was expressly authorized by Mr. Clay, which he himself afterward recognises.

The Washington "*National Journal*," of the 28th April, 1827, speaking of the *Fayetteville letter*, and Mr. Green's (Telegraph's) endorsement of its veracity, said:—

"He [General Jackson] now stands before the nation as the direct public accuser of Mr. Clay and his friends, and by inference, of Mr. Adams also. The accusation has been *deliberately denied*. And if General Jackson should not sustain it by competent and credible proof, the American public will not be restrained by the grateful respect which they have hitherto cherished for him, from characterizing the charge, as in that event, it will deserve to be considered."

The common impression was, that the anonymous letter from Nashville, of the 8th March, was not altogether without authority, and that some interesting and important developments might soon be expected. The author of the letter, Mr. Carter Beverley, of Virginia, getting to be known as such, was compelled to call on General Jackson to support him, in answer to which he received the following communication:—

"HERMITAGE, *June* 6th, 1827.

"DEAR SIR: Your letter of the 15th ultimo, from Louisville Ky., is just received, and in conformity with your request, I address my answer to Wheeling, Va. Your inquiries relative to the proposition of bargain made through Mr. Clay's friends, to some of mine, concerning the then pending presidential election, were answered freely and frankly at the time, but without any calculation that they would be thrown into the public journals [?]. But FACTS can not be altered. And as your letter seems not to have been written for publication [?], I can assure you, that, having no concealment myself, nor any dread arising from what I may have said on the occasion and subject alluded to, my feelings toward you are not the least changed. I always intended, should Mr. Clay come out over his own name, and deny having any knowledge of the communication made by his friends to my friends, and to me, that I would give him the name of the gentleman, through whom that communication came. I have not seen your letter alluded to as having been published in the Telegraph. Although that paper, as I am informed, is regularly mailed for me at Washington, still I receive it irregularly, and that containing your letter has not come to hand. Of course I can not say, whether your statement is substantially correct or not. I will repeat, however, again, the occurrence, and to which my reply to you must have conformed, and from which, if there has been any variation, you can correct it. It is this: Early in January, 1825, a member of Congress, of high respectability, visited me one morning, and observed, that he had a communication he was desirous to make to me; that he was informed there was a great intrigue going on, and that it was right I should be informed of it; that he came as a friend, and let me receive the communication as I might, the friendly motives though which it was made, he hoped would prevent any change of friendship or feeling in regard to him. To which I replied, from his high standing as a gentleman and member of Congress, and from his uniform friendly and gentlemanly conduct toward myself, I could not suppose he would make any communication to me, which he supposed was improper. Therefore, his motives being pure, let me think as I might of the communication, my feelings toward him would remain unaltered. The gentleman proceeded: He said he had been informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them, saying, if Mr. Clay and his friends would unite in aid of Mr. Adams's election, Mr. Clay should be secretary of state; that the friends of Mr. Adams were urging, as a reason to induce the friends of Mr. Clay to accede to their proposition, that if I were elected president, Mr. Adams would be continued secretary of state (inuendo, there would be no room for Kentucky); that the friends of Mr. Clay stated, the west did not wish to separate from the west. and if I would

say, or permit any of my confidential friends to say, that in case I were elected president, Mr. Adams should not be continued secretary of state, by a complete union of Mr. Clay and his friends, they would put an end to the presidential contest in one hour. And he was of opinion it was right to fight such intriguers with their own weapons. To which, in substance, I replied—that in politics, as in everything else, my guide was principle; and contrary to the expressed and unbiased will of the people, I never would step into the presidential chair; and requested him to say to Mr. Clay and his friends (for I did suppose he had come from Mr. Clay, although he used the term of 'Mr. Clay's friends'), that before I would reach the presidential chair, by such means of bargain and corruption, I would see the earth open and swallow both Mr. Clay and his friends and myself with them. If they had not confidence in me to believe, if I were elected, that I would call to my aid in the cabinet men of the first virtue, talent, and integrity, not to vote for me. The second day after this communication and reply, it was announced in the newspapers, that Mr. Clay had come out openly and avowedly in favor of Mr. Adams. It may be proper to observe, that, on the supposition that Mr. Clay was not privy to the proposition stated, I may have done injustice to him. If so, the gentleman informing me can explain.

"I am, very respectfully, your most obedient servant,

"ANDREW JACKSON.

"Mr. CARTER BEVERLEY."

Ulterior events have contributed much to elucidate this letter of General Jackson to Mr. Beverley. Itself, that of July 18th to the public, Mr. Buchanan's, in answer to the last, Mr. Markley's, Major Eaton's, and other papers, growing out of these, in connexion with concurrent events, have proved, that the Kremer charges, originally published in the Columbian Observer, January 28th, 1825, are identified in the same comprehensive plot with these transactions of 1827; and that they originated in the same source. They are traced to the communication alleged by General Jackson, in this letter of June 6th, 1827, to have been made to himself in January, 1825. Of course, everything said, written, published, and done, in this affair, by Mr. Kremer, and his coadjutors, in 1825, grew out of this. General Jackson did not appear then, but appeared afterward. This letter of June 6th, to Mr. Beverley, is one part of the unmasking.

He says to Mr. Beverley, "Your inquiries relative to the proposition of *bargain*, made through Mr. Clay's friends, to some of mine, concerning the then presidential election, were answered *freely and frankly*, at the time, *but without any calculation that they*

would be thrown into the public journals." It would be improper to say, that the conversation at the Hermitage, on the 8th of March, "before all the company," was *arranged*, with a *view* to a specific result; because the *motives* can not be proved, though, as General Jackson says, in the Calhoun correspondence, "*motives* are fairly inferred from *actions.*" When a plot is proved, as is now the case, in regard to this whole affair, the conduct of the agents, in all its parts, is justly viewed with suspicion. This answer—which, as appears from this letter, was a very minute and circumstantial detail, of a striking character, implicating absent persons in great moral turpitude, crime—was made "*freely and frankly*," in such circumstances, before such a company, without injunction of confidence; "but, without any calculation that it would be thrown into the public journals!" Who is so simple as to take this? There was not a man there, believing it, and being honest, that could discharge a good conscience, till he had blazed it over the whole land. Mr. Beverley, like an honest man, sat down to the task that very day. That no one else of the company did it, proves, either that they had not sufficient honesty, or that it was understood, that Mr. Beverley would see to it. It appears, that he posted off without delay to Nashville, the nearest town, to execute the function. Nor does the general rebuke him for a breach of confidence; he expresses no regret; but reconciles himself to the event, by the reflection that "FACTS can not be altered." What is this, but an iteration of the charge? He goes on to console his unfortunate friend: "As your letter SEEMS [where is the evidence?] not to have been written for publication, *I can assure you*, that, *having no concealment myself, nor any dread*, arising from what I may have said on the occasion and subject alluded to, *my feelings toward you are not the least changed.*" This, certainly, ought to be satisfactory—"*not the least changed.*" And the general, in this private and confidential communication, which Mr. Beverley LET SLIP through his hands to the public, could not help disclosing his intention, and expressing his gratification—"having no concealment myself, nor any dread, I always intended, should Mr. Clay come out over his own name, and deny having any knowledge of the communication made by his friends to my friends, and to me, that I would give him the name of the gentleman through whom that communication came." As if Mr. Clay had *not* denied! From the first appearance of Mr. Kremer's letter in the Columbian Observer, in January, 1825, till General Jackson

wrote this letter of the 6th June, 1827, from the Hermitage, to Mr. Beverley, the denial of Mr. Clay had been constantly ringing in his ears! The denial in 1825 was invested with all the solemnity of the judicial action of the highest court in the nation, and there it stood, and still stands. It has never been disposed of. General Jackson (not in person, for he chose not to appear) and his friends, through their organ, Mr. Kremer, were the party, who refused to come to trial. In numerous other forms—in all forms proper for the different occasions—Mr. Clay's denial was before the public. It was in his card, published in the National Intelligencer, February 1, 1825; it was comprehended in his letter to Judge Brooke, of January 28, 1825; in his circular to his constituents; in his Lewisburg speech—everywhere and anywhere, that it was proper for him to appear, in contradiction of such an atrocious calumny. The moment the letter from an anonymous correspondent (since recognised as Mr. Beverley), from Nashville, appeared in the Fayetteville Observer, a denial, *expressly* authorized by Mr. Clay, dated at Washington, April 18th—before cited—was published by a correspondent of the "Democratic Press." And yet General Jackson has the assurance to say, in this letter of the 6th of June, "I had *always* intended, should Mr. Clay come out, over his own name, and DENY," &c. "*Over his own name.*" There was an apparent *technical* evasion here. But even that will not do. For he *had* "come out," many times, "over his own name," as the above-cited facts show.

"I have not seen your letter alluded to, as having been published in the Telegraph. Although that paper, as I am informed, is regularly mailed for me at Washington, still I receive it irregularly, and that containing your letter, has not come to hand." It is charitably supposed he meant to say he had not seen it "in the Telegraph." Possibly, he had not *read* it. It might be very unnecessary, since he could not be ignorant of its contents. He had at least *heard* of it, and there was scarcely a paper of either party, that did not contain it—certainly none of his own party; and it is hardly to be supposed that a man, occupying the position of a candidate for the presidency, did not look at the papers which supported him! But he *affects* to be ignorant of this letter, emanating directly from the Hermitage, and making so much noise in the world! This is an apology for giving a full and true copy of the conversation—the most recent version well conned. Mr. Beverley wanted to know, whether he had said anything incorrect;

but General Jackson desires to publish that, which is most *circumstantial*, as well as correct. "I will," therefore, "repeat," &c.; "from which, if there has been any *variation*, you can *correct* it." Then comes the true copy, in which the general makes it all out, according to his conscience! The points of the statement are as follows: 1. "A member of Congress, of high respectability, visited" the general. 2. And "observed, he had a communication he was desirous to make." 3. "He was informed there was a great intrigue going on, and that it was right I should be informed of it." This was interesting. 4. "He came as a *friend*." He was not, then, a friend of Mr. Clay. 5. "Let me receive the communication as I might, the *friendly motives*, through which it was made, he hoped, would prevent any change of friendship or feeling, in regard to him." There *was*, then, an *understood* "friendship." All he wanted was "*no change*." 6. "To which, I replied, from his high standing as a gentleman, and member of Congress, *and from his uniform, friendly, and gentlemanly conduct toward myself*, I could not suppose he would make any communication to me, which he supposed was improper." Certainly not. "Therefore, his *motives being pure*"—doubtless they were *very* pure—"let me think as I might of the communication, my feelings toward him would remain *unaltered*." This was an excellent and convenient preliminary arrangement; because, horrible as the communication proved to be, General Jackson was pledged to receive it graciously, and dismiss the messenger with undiminished confidence! 7. "The gentleman proceeded," and made the communication, which need not be recited. 8. "And he was of opinion, it was right to fight such intriguers with their own weapons." This is an important point. 9. The general declines, and according to his own account, sends a message back to Mr. Clay and his friends, that he would see them all sunk, and sink with them, "before he would," &c. 10. General Jackson admits, that, "if Mr. Clay was not privy to the proposition, I may have done injustice to him." Not to have settled this question first, was not only the greatest possible injustice to Mr. Clay, but a violation of the usages of society.

The correspondence below, will show, that this letter was made public sooner, and probably in a different mode, from what had been planned.*

* "WHEELING, VA., *June* 25, 1827.

"SIR: The public mind, having been for months extremely agitated, in consequence of a letter of mine to a friend in Fayetteville, N. C., in March last, pub-

Mr. Clay having possession of General Jackson's letter of June 6th, to Mr. Beverley, obtained in the manner disclosed in the

lished in the paper of that place, I take pleasure indeed of gratifying them with a full communication of all the circumstances developed to me by General Jackson, which gave rise to the letter from me in reference to it. It will be seen, that this communication embraces infinitely more subject than was contained in my letter; and, indeed, it goes more fundamentally into the whole train of matter, connected with the subject. After being variously attacked by those detestable, hireling, scurrilous printers of the west, in various directions, subservient as they are to Mr. Clay and executive purposes, this letter from the general may be supposed a relief to me. I feel, indeed, highly gratified in receiving it. And, although it has not taken the course I exactly calculated upon, yet, as the public anxiety is great to reach the truth of the case, I avail myself of the opportunity given me, of drawing it, ere long, to both point and termination. I have written on to Gen. Jackson, informing him precisely of the course and bearing of the subject. Mr. Clay having peremptorily and positively denied the whole, both as regards himself and his friends, will, of course, bring the circumstances fully and fairly out. I can not, myself, have the smallest possible doubt about the issue. You will be pleased to publish the short correspondence I had with Mr. Noah Zane, of this place, and his note to me, with the certificate respecting Mr. Clay's denial. I beg that the whole may be at once published. Mr. Clay having gotten a copy of Gen. Jackson's letter to me, without my expectation or approbation at all, I deem it proper that there should be no delay in its publication by me. The course pursued to obtain the copy taken by Mr. Clay with him, is, in my opinion, altogether incorrect and improper, and I endeavored to arrest it before the copy was made out. But, as will be seen, by the enclosed certificate, the letter was withheld, and denied to me, until the whole was completed; and not only one, but two copies taken of it.

"I am, respectfully, your obedient servant,

"CARTER BEVERLEY.

"Gen. DUFF GREEN." [Editor of the Telegraph, Washington.]

"WHEELING, *June* 24, 1827.

"DEAR SIR: The very high respect I have for you, and your political character, added to the great zeal I feel for the honor and welfare of our country, induces me to announce to you the receipt, last night, from General Jackson, of a letter, dated the 6th instant, from his residence in Tennessee. He most unequivocally confirms all I have said regarding the overture made to him, pending the last presidential election; and asserts a great deal more than he told me, going most circumstantially and minutely into the business. It was always his intention, he says, that if Mr. Clay ever denied the facts, to give him up his authority. It is of the first character and order, in our government and country. It only awaits Mr. Clay's denial, when the whole subject will be brought to issue before the public. I make this communication to you on many accounts—but especially as I understand Mr. Clay is to call on you this morning, and to pass an hour or two with you, on his way down the river from Pittsburg. My friend, Mr. Hollingsworth, of this place, has seen the general's letter. He will bear to me any communication from you, which, as it is all a public matter, I shall be glad may be made in writing.

"I am, dear sir, most respectfully, your obedient servant,

"CARTER BEVERLEY.

"NOAH ZANE, Esq., *Wheeling*."

"To CARTER BEVERLEY, Esq.: I have received your note of this morning, by Mr. John Hollingsworth. I request the favor of you to send me General Jackson's letter. I pledge myself to return it to you.

"NOAH ZANE.

"*June* 24, 1827."

"WHEELING, *June* 24, 1827.

"DEAR SIR: From what my friend, Mr. Hollingsworth, told me, after bearing my first letter to you of this morning, announcing to you the receipt last night of

correspondence below, sent it to the Reporter, published at Lexington, immediately on his arrival at Ashland, where it appeared the 4th of July, with a communication of his own, as follows:—

"TO THE PUBLIC.

"On my arrival at Wheeling, on the 24th inst., I was informed, that Mr. Carter Beverley, then at that place, had received, the preceding night, by mail, a letter from General Jackson, which he had exhibited to several persons, and left with my friend, Colonel Noah Zane, for my perusal, and which, I was told, formed a subject of general conversation, and had produced much excitement in the town. The captain of the Raindeer, having kindly detained his steamboat for my accommodation, and unwilling longer to delay his departure, I had only time to obtain a hasty, but I believe a correct copy, of the letter, and I now seize the first moment, after my arrival at home, to present it to the public, together with a copy of another letter addressed by Mr. Beverley to Col. Zane.

"I purposely forbear at this time, to make several comments, which these documents authorize, and confine myself to a notice

General Jackson's letter to me, under date of the 6th instant, and from your subsequent message by him to me, requesting a view of the letter, I fully calculated upon a meeting with Mr. Clay at your house. It appears, however, that he is gone; and, from what you since said to Mr. H., that he denies the whole of the charges alleged in the general's letter against Mr. Adams and himself. It did not at all occur to me, upon your application for the letter, that a copy would be taken of it, without my special concurrence. It appears, however, that you have taken one. I hope you do not purpose to make any use of it, contrary to the usual and established custom in such cases. It is a document of my own, loaned to you in the most perfect confidence; and therefore, I presume, ought to be so regarded. You will oblige me by returning the letter by Mr. Hollingsworth; and agreeable to usage, I trust Mr. Clay's denial to you, will be communicated to me, in writing, under your signature. The whole will now be made immediately public. This, I conceive is due to General Jackson and myself, and is called for by the respect we all owe to the community.

"I am, dear sir, respectfully, your obedient servant,

"Carter Beverley.

"Noah Zane, Esq., *Wheeling*."

MR. HOLLINGSWORTH'S CERTIFICATE.

"I do hereby certify, that Mr. Carter Beverley, now at this place, called upon me, and asked the favor of me to wait upon Noah Zane, Esq., of this place, yesterday morning, with a letter from him, announcing his having received, the night before, a letter from General Andrew Jackson, of Tennessee, confirming the substance of his letter published in Fayetteville, N. C. I accordingly waited on Mr. Zane, and delivered Mr. Beverley's letter. Mr. Zane then wrote a note by me to Mr. Beverley, requesting a loan of General Jackson's letter. Mr. Beverley hesitated, but delivered me the letter, which I handed over to Mr. Zane. Mr. Zane took the letter, and left his house. Mr. Beverley, after some time, knowing that Mr. Clay was there, apprehended that they were copying the letter, as it had been kept so long from him. He then requested me to go to Mr. Zane, and avert such a progress. I did so; but Mr. Zane refused to restore the letter, until he had copied it. Two copies were taken, one of which Mr. Clay got, and the other was retained by Mr. Clay's friends in this place.

"Given under my hand, this 25th day of June, 1827, at Wheeling, Virginia.

"Jno. Hollingsworth."

of the charges which General Jackson has brought forward in his letter.

" These charges are 1st, that my friends in Congress, early in January, 1825, proposed to him, that, if he would say, or permit any of his confidential friends to say, that, in case he was elected president, Mr. Adams should not be continued secretary of state, by a complete union of myself and my friends, we would put an end to the presidential contest in one hour—and 2d, that the above proposal was made to General Jackson, through a distinguished member of Congress, of high standing, with my privity and consent.

" To the latter charge, I oppose a direct, unqualified, and indignant denial. I neither made, nor authorized, nor knew of any proposition whatever, to either of the three candidates, who were returned to the house of representatives, at the last presidential election, or to the friends of either of them, for the purpose of influencing the result of the election, or for any other purpose. And all allegations, intimations, and inuendoes, that my vote, on that occasion, was offered to be given, or was in fact given, in consideration of any stipulation or understanding, express or implied, direct or indirect, written or verbal; that I was, or that any other person was not, to be appointed secretary of state; or that I was, in any other manner, to be personally benefited, are devoid of all truth, and destitute of any foundation whatever. And I firmly and solemnly believe, that the first of the two above-mentioned charges, is alike untrue and groundless. But if—contrary to my full belief —my friends, or any of them, made any such proposition, or offer, as is asserted in the first charge, it was without my knowledge, and without my authority.

" The letter of General Jackson insinuates, rather than directly makes the further charge, that an arrangement was proposed and made between Mr. Adams's friends and mine, by which, in the event of his election, I was to be appointed secretary of state. I pronounce that charge also, as far as I know or believe, to be untrue, and without the least foundation.

" General Jackson, having at last voluntarily placed himself in the attitude of my public accuser, we are now fairly at issue. I rejoice that a specific accusation, by a responsible accuser, has at length appeared, though at the distance of near two years and a half since the charge was first put forth through Mr. George Kremer. It will be universally admitted, that the accusation is of the most serious nature. Hardly any more atrocious could be preferred against the representative of the people in his official character. The charge in substance is, that deliberate " propositions of bargain" were made by my congressional friends collectively, through an authorized and distinguished member of Congress, to General Jackson; that their object was, by these ' means of bar

gain and corruption,' to exclude Mr. Adams from the department of state, or to secure my promotion to office; and that I was privy and assented to those propositions, and to the employment of those means.

"Such being the accusation, and the prosecutor, and the issue between us, I have now a right to expect, that he will substantiate his charges, by the exhibition of satisfactory evidence. In that event, there is no punishment that would exceed the measure of my offence. In the opposite event, what ought to be the judgment of the American public, is cheerfully submitted to their wisdom and justice.

"H. CLAY.

"LEXINGTON, 29*th June*, 1827."

In answer to this, General Jackson sent forth the following address to the public:—

"A letter, addressed by me to Mr. Carter Beverley, of Virginia, has lately, without any consent, agency, or wish, on my part, found its way into the newspapers, accompanied by a statement over the signature of 'H. CLAY,' contradicting and denying, not anything I have written, but that which he himself makes me to to say. It is not the interpretation given by him to my letter, but my own language, and my own statement, that I am called upon to defend, and expect to vindicate.

"To explain the manner, in which my opinions have found their way into the journals of the day, seems, in the first place, to be due, both to the public and myself. Mr. Beverley, being on a visit to my house, requested to know of me, other gentlemen being present, whether the overtures, heretofore imputed to Mr. Clay, were well founded, and if I had a knowledge of any of the facts myself. I answered him candidly, being unable or unwilling, to refuse telling things I had heard, and knew to be true. A letter, detailing our conversation, shortly afterward obtained publicity, in the North Carolina Journal, printed at Fayetteville. On the 15th of May last, from Louisville, Kentucky, a communication was addressed to me by Mr. Beverley, stating, *what before I had not known* [?], that he was the writer of this Fayetteville letter. He explained the reasons for his having repeated the conversation, and requested to be informed, if in anything he had misquoted, or misconceived my meaning.

"Under such circumstances, concealment and silence might have seemed mere affectation, or indeed something of a different and even worse character. Publicity having been given to the conversation, and an appeal made to me for its accuracy, I felt it to be due to Mr. Beverley, that nothing of fabrication should be imputed to him, and to myself, that what I had stated should be correctly understood. Accordingly, on the 6th of June, and in reply to his of the 15th of May, I addressed him a letter, of which

the public are already possessed. How, and by what means, it found its way into the columns of a newspaper, Mr. Beverley has explained. He states to me, that he gave it into the hands of Mr. Noah Zane, of Wheeling, Virginia, at his own earnest request, for perusal, under a pledge of honor, that it should be returned, and with no expectation, that any copy of it was to be retained; that, on his applying for and demanding the letter, it was refused to be restored, until two copies should be made. He proceeds to say: 'Mr. Zane, an old and most respectable gentleman, asked the loan of your letter as a favor, and, contrary to all custom and propriety in such matters, he, in conjunction with Mr. Clay and his friends, took copies of it, without my knowledge or privity in any way, and without asking my leave to do so. Soon as I understood, that such was the use they were making of it, I demanded of Mr. Zane the letter, and remonstrated against the unprecedented course they were taking. He refused to restore it to me, most peremptorily, until they had satisfied themselves by furnishing to Mr. Clay one copy, and reserving another for their own use.'

"The original conversation referred to, and the above extract of a letter from Mr. Beverley, at Wheeling, dated 26th June, 1827, are presented to show, that I have not, as is charged, 'placed myself in the attitude of a public accuser,' and that whatever publicity has been given to this transaction, has arisen from no agency or procurement of mine; and that Mr. Clay has, in fact, himself held the matter up to public gaze. In doing this, he should have quoted what I have written accurately and fairly; for then, the text and his commentary would have suited together. At present, his contradiction is a something suggested by himself, and is not contained in my letter.

"The statement contained in my letter to Mr. Beverley, is this. That, in January, 1825, a member of Congress, of high respectability, visited me, and observed, 'He had been informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them, saying, if Mr. Clay and his friends would unite in aid of the election of Mr. Adams, Mr. Clay should be secretary of state; that the friends of Mr. Adams were urging as a reason, to induce the friends of Mr. Clay to accede to the proposition, that, if I were elected president, Mr. Adams would be continued secretary of state (inuendo, there would be no room for Kentucky); that the friends of Mr. Clay stated, the west did not want to separate from the west; and if I would say, or permit one of my confidential friends to say, that, in case I were elected president, Mr. Adams should not be continued secretary of state, by a complete union of Mr. Clay and his friends, they would put an end to the presidential contest in one hour; and he was of opinion it was right to fight such intriguers by their own weapons.'

"This disclosure was made to me by Mr. JAMES BUCHANAN,

a member of Congress from Pennsylvania, a gentleman of the first respectability and intelligence. The evening before, he had communicated substantially the same proposition to Major Eaton, my colleague in the senate, with a desire warmly manifested, that he should communicate with me, and ascertain my views on the subject. This he declined doing, suggesting to Mr. Buchanan, that he, as well as himself, could converse with me, and ascertain my opinion on the matter—though, from his knowledge of me, he thought he could conjecture my answer, that I would enter into no engagement whatever. It was the morning succeeding this interview, after Major Eaton had objected to converse with me on the subject, and before I had set out from my lodgings to the capitol, that Mr. Buchanan came to visit me, and where the conversation I have stated took place. The answer returned has already been published, and need not be here repeated.

"To be thus approached, by a gentleman of Mr. Buchanan's high character and standing, with an apology proffered at the time for what he was about to remark to me—one, who, as I understood, had always, to that moment, been on familiar and friendly terms with Mr. Clay, assuring me, that on certain terms and conditions being assented to on my part, then, by a union of Mr. Clay and his friends, they would put an end to the presidential contest in one hour, what other conclusion or inference was to be made, than that he spoke by authority, either of Mr. Clay himself, or some of his confidential friends? The character of Mr. Buchanan, with me, forbids the idea, that he was acting on his own responsibility, or that, under any circumstances, he could have been induced to propose an arrangement, unless possessed of satisfactory assurances, that, if accepted, it would be carried fully into effect. A weak mind would seldom or ever be thus disposed to act—an intelligent one never.

"Under all the circumstances, appearing at the time, I did not resist the impression, that Mr. Buchanan had approached me, on the cautiously-submitted proposition of some authorized person, and therefore, in giving him my answer, did request him, to say to Mr. Clay and his friends, what that answer had been. Whether the communication was made to Mr. Clay and his friends, I know not. This, though, I do know, that, while the opinions and course of Mr. Clay, as to the election, were but matter of conjecture with many, at and before this time, very shortly after this conversation took place, his and his friends' opinions became forthwith matter of certainty and general knowledge. Still, I have not said, nor do I now say, that the proposal made to me, was 'with the privity and consent' of Mr. Clay; neither have I said, that his friends in Congress made propositions to me.

"These are Mr. Clay's interpretations of my letter to Mr. Beverley, and not what my letter itself contains. What I have stated

are the facts of a conversation between myself and a member of Congress of high respectability. The conclusions and inferences from that conversation—the time, manner, and all the circumstances—satisfied my mind, that it was not *unauthorized*. So I have thought, and so I still think. And yet, I again here repeat, that, in this supposition, I have possibly done Mr. Clay injustice. If he shall be able to sustain the averments he has made, and acquit himself of any participation and agency in the matter, I beg leave to assure him, that, so far from affording me pain, it will give me pleasure. I certainly can have no desire, that the character of my country, through the acts of a prominent citizen, shall rest under any serious imputation. For the honor of that country, I should greatly prefer, that any inference I have made, may turn out to be ill founded.

"Mr. Clay declares his great satisfaction, that this matter has at length been brought to light, and to public consideration. He feels rejoiced, that a specific accusation, by a responsible accuser, has at length appeared. To this a passing notice is due.

"It must be recollected, that, in consequence of a letter from Mr. George Kremer, in January, 1825, an inquiry was set on foot in Congress, upon the application of Mr. Clay himself.

"On this memorable occasion, of guilt imputed on the one hand, and innocence maintained on the other, Mr. McDuffie, it will be recollected, submitted for consideration to the house of representatives, as matter of instruction to the committee, the following RESOLUTION:—

"*That the said committee be instructed to inquire, whether the friends of Mr. Clay have hinted that they would fight for those who would pay best, or anything to that effect; and whether overtures were said to have been made by the friends of Adams, to the friends of Clay, offering him the appointment of secretary of state for his aid to elect Adams; and whether the friends of Clay gave this information to the friends of Jackson, and hinted that, if the friends of Jackson would offer the same price, they would close with them; and whether it was said and believed, that, as a consideration for this abandonment of duty to his constituents, Clay was to be appointed secretary of state; and that the said committee be authorized to send for persons and papers, and to compel the persons so sent for, to answer all questions, touching the subject referred, upon oath.*"

"Now, here is a RESOLUTION, officially submitted, covering more than the ground of my communication to Mr. Beverley, and resting in connexion with an accusation publicly charged in the newspapers, and yet Mr. Clay, at this late period, professes to be rejoiced, 'that a specific accusation, by a responsible accuser, has at length appeared.' Certainly, more than two years ago, an AC-

CUSER, highly respectable, and an ACCUSATION specific, were both before him, were both within his reach, and might have been met, had he been at all disposed to the interview, or rejoiced at the prospect of meeting an accuser. Had Mr. McDuffie believed the charge groundless and untrue, he is a man of too high a sense of honor, to have pressed upon the consideration of the committee, an instruction clothed in the pointed phraseology that this is; nor can it be inferred, that, in a matter so serious, the friends of Mr. Clay would have voted against this asked-for power to the committee. An innocent man, before an impartial tribunal, fears not to meet the exercise of any power, that competent authority gives; and far less should he distrust that exercise, when in the hands of correct and honorable men.

"Innocence never seeks for safety, through covert ways, and hidden ambuscades. She fights by day, and in the open plain, and proud in her own strength, meets her enemy fearlessly. In the proposition submitted by Mr. McDuffie, there was nothing to alarm—nothing that innocence should have doubted about. It was neither more, nor less, than a call of the attention of the committee to particular inquiries, with an application for power to ferret out the truth, through an appeal to the oath of those, who might be called upon to depose before them.

"Without documents, and unacquainted with the number of Mr. Clay's friends in the house, I can not assert, that they were in opposition to Mr. McDuffie's RESOLUTION. Yet, it is obvious, that the influence which he possessed, would have been amply sufficient to produce a different result, had Mr. Clay been at all desirous that a different one should have been produced. The RESOLUTION contained strong imputations, and serious charges. Mr. Clay and his friends were both implicated. Can it be presumed, under such a state of general excitement, that, if Mr. Clay desired it, he could not have found present and at hand, some friend to ask, in his behalf, that the RESOLUTION should be adopted, and full powers extended to the committee? And moreover, can it be thought, that such an indulgence, if desired by Mr. Clay, or any of his friends, could or would have been denied? And yet it was denied, inasmuch as the RESOLUTION was rejected, and the power asked for, refused to the committee.

"A solicitude to find 'a specific accusation, by a responsible accuser,' could not have been so seriously entertained then, as it is earnestly expressed now, or else so excellent an opportunity being afforded, to encounter both, both could not have been so earnestly regarded, so contemned, and so thrown away. A controversy with me, can no more disclose, or render apparent, Mr. Clay's innocence, than could the controversy placed within his reach two and a half years ago; and yet, while the one was avoided, or at any rate not embraced with the necessity of the

occasion, at the prospects presented by the other exceeding joy seems to be manifested. Then, as now, a specific accusation, was before him.

"One further remark, and I am done, with a hope that, on this subject, I may not be under the necessity of again appearing in the newspapers. In saying what I have, all the circumstances considered, I have felt, that it was due to myself, and to the public. My wish would have been, to avoid having anything to say, or to do in this matter, from an apprehension well conceived, that persons will not be wanting, who may charge whatever is done, to a desire to injure others, and to benefit myself. My own feelings, though, are of higher importance and value to me, than the opinion of those who impose censure where it is believed not to be deserved. I have been actuated by no such designs, nor governed by any such considerations.

"The origin, the beginning of this matter, was at my own house and fireside—where, surely, a freeman may be permitted to speak on public topics, without having ascribed to him improper designs. I have not gone into the highways and market-places, to proclaim my opinions, and in this, feel that I have differed from some, who, even at public-dinner tables, have not scrupled to consider me a legitimate subject for speech, and the entertainment of the company. And yet, for this, who has heard me complain? No one. Trusting to the justice of an intelligent people, I have been content to rely for security on their decision, against the countless assaults and slanders, which are sought so repeatedly to be palmed upon them, without seeking to present myself in my own defence; and still less to become the 'responsible accuser' of Mr. Clay, or any other person.

"ANDREW JACKSON.

"HERMITAGE, *July* 18, 1827."

This address of General Jackson "TO THE PUBLIC" claims special attention for sundry weighty reasons. It opens with a complaint, with an imputation of dishonor, that Mr. Clay, or his friends—of course Mr. Clay—had obtained a copy of General Jackson's letter to Mr. Beverley, of the 6th of June, 1827, by improper means, and published it, against the wishes of the author and his correspondent. As Mr. Beverley's letter to General Jackson, of the 15th May, asking for the one of the 6th June, is not before the public, the reasons for the request are of course matter of presumption, except as they are incidentally and accidentally disclosed. But presumption alone might be sufficient. Who can doubt, that it was designed for the public? Then where is the grievance or wrong? But Mr. Beverley publishes the letter him-

self, with all haste, and says in his letter to the editor: "The *public mind* having been extremely agitated," &c.—"I take pleasure in gratifying them with all the circumstances developed to me by General Jackson," &c. He does not do this by compulsion—"*I take pleasure.*" That, it seems, was what he wanted the letter for. He says: "After being variously attacked," &c., "this letter from the general may be supposed a RELIEF to me. I feel indeed, highly gratified." For what reason? Of course, in being able to give it to the public. Why, then, complain? He was the first to publish it. But he says: "It has not taken the course I exactly calculated upon," &c. "I have written to General Jackson, informing him precisely of the course and bearing of the subject." It would seem from this, that he had his INSTRUCTIONS from General Jackson HOW TO MANAGE IT. It will appear from Mr. Beverley's correspondence with Mr. Zane, that "the whole subject was to be brought to issue before the public." "As it is all a public matter," &c. They wanted "a certificate of Mr. Clay's denial in writing," to manage the publication all in their own way. It did not happen "exactly" as they "calculated upon." They had contrived it well. "I understand Mr. Clay is to call on you this morning, on his way down the river." They despatch Mr. Hollingsworth, to let Mr. Clay know, through Mr. Zane, what a treat they have got, and to obtain Mr. Clay's denial "in writing." They do not mean to show the letter; but they ask a denial "in writing!" Is not this cool—not to say, impudent? At last, discovering the awkwardness of their position, they send the letter down. Of course, since they had had the civility voluntarily to tender to Mr. Clay this agreeable intelligence *for their own purposes*—it being rightfully in his hands—he had a right to use it for *his* purposes. It was *his property*, by a proffer of the subject-matter that concerned him, and after the notice they had served on him, he had a right to it in its exact shape and substance, else the notice was an insult. They send for his denial "in writing." Must he not know *what* he was to deny? And then, knowing they were his enemies, seeking advantage, and having had much experience of this conspiracy, might he not decide for himself, whether he would put himself in their power—when and how he would deny? "I fully calculated," says Mr. Beverley in his second note to Mr. Zane, "upon a meeting with Mr. Clay at your house. It appears, however, that he is gone." Alas, gone! And Mr. Beverley will have no chance to take down his words,

and publish them in his own way. "And not only *one*, but *two* copies" of the letter were "taken"! Having *one*, they might multiply it to an indefinite extent. The offence as *charged*, therefore, is very moderate.

Who will not smile at the puerility of this complaint, as if Mr. Clay were not entitled to a copy of this letter, after having been thus addressed? It would have been very proper, if General Jackson had sent an apology to Mr. Clay, for the insult done him, on this occasion, by HIS agent. To complain of Mr. Clay, was putting himself on a level with his employé, who doubtless tried to obey his instructions, but did it very awkwardly. To *affect*, that this "letter had found its way into the newspapers, without his consent, agency, or wish," only shows, that when he wrote this address "to the public," he did not know what his agent, Mr. Beverley, had written to Mr. Zane, and to Mr. Green, editor of the Washington Telegraph: "It is ALL for the public," and such like. The evidence, that Mr. Beverley's first letter was published in the Fayetteville Observer, by a similar misfortune, is not so full. No doubt it was *equally* "without the consent and against the wishes" of General Jackson

Speaking of the original communication to Mr. Beverley, at the Hermitage, on the 8th March, "before all his company," General Jackson says: "I answered him candidly," (in the letter of the 6th June, it was "freely and frankly,") "being unable as unwilling, to refuse telling things I had heard, and knew to be true." "*Knew* to be true." Does he mean, it was true that he *heard* them? or that the *things* were true? The latter, doubtless. What need, then, of any further controversy? It is pretty strong, certainly. It was unbecoming. It was using his *authority*, not *evidence*.

General Jackson says, he did not know, that Carter Beverley was the author of the Fayetteville letter, till he received his letter of the 15th of May. Did he not know, that Carter Beverley was at his house on the 8th of March, asked him that question "before all the company," and rode away to Nashville that very morning? All the world knew it, and Mr. Beverley, in his letter to Duff Green, June 25, complains bitterly of the "attacks on him, by those detestable, hireling, scurrilous printers of the west," on account of that letter. Possibly General Jackson did not read the western papers. It was unnecessary he should know it, to have secured its publication. It was morally impossible, that such a

communication. as he "freely and frankly" made, "before all his company," on the 8th of March, should not be published by some one of them—no matter by which—nor was it important or necessary, that General Jackson should know which. To have it done, was the important thing. The end secured, it was well enough, and might be very convenient, as in this instance, not to know who did it. This "explanation," therefore, "of the *manner*, in which his opinions found their way into the journals of the day,' as if it were unexpected, was an uncalled-for display. Nevertheless, it might answer his purpose, as it showed how innocent he was.

Mr. Beverley wanted to know of General Jackson, "if, in anything he had misquoted, or misconceived his meaning," in the Fayetteville letter; and "under such circumstances, concealment and silence might have seemed mere affectation, or indeed something of a different, and even of a worse character." It may not be perfectly obvious what this "something of a different and worse character," is. But that is no matter. It is this no "concealment and silence," that challenges attention. No "concealment" from whom, if his letter of the 6th June, was not to be *published?* But the next sentence shows, that it was designed for publication: "Publicity having been given to the *conversation*, and an appeal made to me for its accuracy, I felt it to be due to Mr. Beverley—that nothing of fabrication should be imputed to him and to myself—that what I had stated, should be *correctly understood.*" By whom? The public, of course. Very well. It is an error, then, that it was published without General Jackson's "consent or wish." But the general seems very solicitous to support Mr. *Beverley's* veracity, as well as his *own*—"that nothing of *fabrication* should be imputed to him, and to *myself.*" What did he think of Mr. Beverley's veracity, in his penitent letter to Mr. Clay, of February 8, 1842, when he said: "In the discharge of an act of conscience," &c., "I feel exceedingly desirous to relieve you, as far as I can, from the slander, and my own feelings from the severe compunction that is within me?"

THEREFORE, since the "publicity given to this transaction, has arisen from no agency or procurement of mine, I have not, as is charged, placed myself in the attitude of a public accuser!"

But General Jackson complains of Mr. Clay, as having made a "statement, contradicting and denying, not anything I have written, but that which he himself makes me to say. . . . I have not

said, nor do I now say, that the proposal made to me, was with the privity and consent of Mr. Clay. Neither have I said, that his friends in Congress made propositions to me."

Mr. Clay's statement is as follows: "These charges are, 1, that my friends in Congress, early in January, 1825, proposed to him, that, if he would say, or permit any of his confidential friends to say, that, in case he was elected president, Mr. Adams should not be continued secretary of state, by a complete union of myself and my friends, we would put an end to the presidential contest in one hour. And, 2, that the above proposal was made to General Jackson, through a distinguished member of Congress, of high standing, with my privity and consent."

In the first place, it may be observed, that, when Mr. Clay published this statement, he, at the same time, published, side by side, in the Kentucky Reporter, July 4th, General Jackson's letter, to which his communication was a reply, and the two things went together all over the country. There was, therefore, no unfairness. If his statement was incorrect, everybody would see it, and he only injured himself. In the next place, he did not profess to quote General Jackson's *language*, in his statement. That stood by its side, in General Jackson's letter. But his object, doubtless, was to give what he conceived to be the substance of the charges, and the public, with both documents in their hands, would judge for themselves. So the reader of these pages can judge, having the same means. Doubtless, General Jackson was startled to see what all would believe he meant, and what was undoubtedly conveyed in his letter, brought out by Mr. Clay, in the plain terms of his statement. The general seemed to think he was endowed with the faculty, or entitled to the privilege, of making these charges in *covert* language, and then of escaping from the responsibility. It will be seen, that his attempt to escape, was a mere cavil. Mr. Clay's statement brought the matter to issue, and fastened the responsibility where it belonged. Why should General Jackson show this concern, and make this denial, if he was not alarmed? He went much further in this address to the public, than what he here denies, and stated, that he "*knew* these things to be true." Besides this, as will soon be seen, he elaborates an argument, from false premises, to the length of one third of his address, to prove them! "Still," he says, "I have not said, nor do I now say" it! He calls them "Mr. Clay's interpretations of his letter to Mr. Beverley!" Of course they are, and the question is, whether

they are true and fair? The general says, "His [Mr. Clay's] contradiction is a something suggested by himself, and is not contained in my letter." Who could say, that the *contradiction* of the letter, was a *part* of the letter? The absurdity owes its origin to him, who so unnecessarily denied it! But General Jackson himself, it seems, makes his *own* "interpretations." "The *conclusions* and *inferences* from that conversation [with Mr. Buchanan], the time, and all the circumstances, *satisfied* my mind, that it was not *unauthorized*. So I *have* thought, and so I *still* think." That a man who objects to interpretation in others, should claim the right to use it as his *sole evidence*, is rather cool.

It was cruel in General Jackson, who had been so faithfully served by Mr. Buchanan in this affair, after having borne testimony to his being "a gentleman of the first respectability and intelligence"—"of high character and standing"—to speak of him, in this address, as "one, who, as I understood, had always, to that moment, been on familiar and friendly terms with Mr. Clay." It is true, he might settle this offence *privately* with Mr. Buchanan; or, if necessary to his object, he might sacrifice him. It was a perilous position to be thrust into, and Mr. Buchanan was not a little surprised, as will appear from *his* letter to the public. There was another loophole of escape, for Mr. Buchanan, and not less for General Jackson. It was known from Mr. Buchanan's general urbanity, that, "being on familiar and friendly terms with Mr. Clay," did not necessarily imply, that he was Mr. Clay's political friend. Mr. Buchanan has, down to this time, been on "familiar and friendly terms," with many of his political opponents. It was manifestly important, however, at this particular juncture, that General Jackson should be able to make an impression on the public mind, that he *thought* Mr. Buchanan was a political friend of Mr. Clay, *at that time*, though his devotion to the general was doubtless as well known to him, as when he afterward sent him minister to Russia. It was impossible, that the politics of so prominent a member of Congress—of such "high character and standing"—and so actively and efficiently engaged for the election of General Jackson to the presidency, against the other candidates, approaching the general, and proffering confidence and aid—should be unknown to anybody—much less to General Jackson. Nevertheless, when writing this address to the public, it was absolutely necessary to put Mr. Buchanan in a very awkward position; though Mr. Green, editor of the Washington Telegraph, and occupying

a mediate position, as a correspondent, between General Jackson and Mr. Buchanan, was informed by the latter, that the general was laboring under a mistake.

But General Jackson says: "If he [Mr. Clay] shall be able to sustain the averments he has made, and *acquit* himself of any participation and agency in the matter, I beg leave to assure him, that, so far from affording me pain, it will give me pleasure." Here is betrayed the *principle* of this whole conspiracy. By the course of the conspirators, from beginning to end, Mr. Clay was doomed to prove a NEGATIVE! They seemed to consider themselves entitled to say all manner of evil about Mr. Clay, but never regarded themselves as bound to prove it! Mr. Clay must "*acquit himself!*" If he would do that, it would "give them pleasure!" But how can he do that, so long as there is an unprincipled villain in the land, that will give *positive* evidence against him? Though, as it happens, such a witness has never been found. One witness *affirming* to a fact, annihilates the evidence of ten thousand witnesses, who could only say, they are *ignorant* of the fact. Thus was the burden of proof constantly thrown on Mr. Clay, when, by all rules of evidence, as recognised in any earthly court, it was incumbent on his accusers. Mr. Clay congratulated himself in the possession of General Jackson's letter of the 6th of June, to Mr. Beverley, on the principle, that he now had a "responsible accuser," who was bound to establish his accusations. But the general turns round, and coolly says, "If Mr. Clay shall be able to sustain his averments, *and acquit himself*, it will give me pleasure." What could surpass such effrontery? The general adds: "For the honor of the country, I should greatly prefer that any *inference* [interpretation] I have made, may turn out to be ill-founded."

The fundamental, vital, and all-pervading principle of this conspiracy, *to wit*, throwing the burden of proof on the accused, is a most atrocious violation of law and justice, striking at the foundation of society, and putting every innocent man in the power of bad men! Accusation of crime tantamount to conviction till disproved! The accuser not responsible! Who, then, can be saved? With no little force did Mr. Clay say, in his speech at Lexington, July 12th, 1827, before this matter was all out: "This compendious mode of administering justice, by first hanging, and then trying a man, however justifiable it may be, according to the precepts of the *Jackson code*, is sanctioned by no respectable sys

tem of jurisprudence." Again, in his speech at Lewisburg, Va., August 30, 1826: "It is in vain that these revilers have been called upon for their proofs—have been defied, and are again invited, to enter upon any mode of fair investigation and trial Shrinking from every impartial examination, they persevere, with increased zeal, in the propagation of calumny, under the hope of supplying, by the frequency and boldness of asseveration, the want of truth and the deficiency of evidence." But the following reasoning of Mr. Clay, places this point in its true light:—

"The extraordinary ground has been taken, that the accusers were not bound to establish by proof the guilt of their designated victim. In a civilized, Christian, and free community, the monstrous principle has been assumed, that accusation and conviction are synonymous: and that the persons who deliberately bring forward an atrocious charge, are exempted from all obligations to substantiate it! And the pretext is, that the crime, being of a political nature, is shrouded in darkness, and incapable of being substantiated. But is there any real difference, in this respect, between political and other offences? Do not all the perpetrators of crime endeavor to conceal their guilt and to elude detection? If the accuser of a political offence is absolved from the duty of supporting his accusation, every other accuser of offence stands equally absolved. Such a principle, practically carried into society, would subvert all harmony, peace, and tranquillity. None—no age, nor sex, nor profession, nor calling—would be safe against its baleful and overwhelming influence. It would amount to a universal license to universal calumny!

"No one has ever contended that the proof should be exclusively that of eye-witnesses, testifying from their senses positively and directly to the fact. Political, like other offences, may be established by circumstantial as well as positive evidence. But I do contend that *some* evidence, be it what it may, ought to be exhibited. If there be none, how do the accusers know that an offence has been perpetrated? If they do know it, let us have the *fact* on which their conviction is based. I will not even assert, that, in public affairs, a citizen has not a right freely to express his *opinions* of public men, and to speculate upon the motives of their conduct. But if he chooses to promulgate opinions, let them be given as *opinions*. The public will correctly judge of their value and their grounds. No one has a right to put forth a positive assertion, that a political offence has been committed, unless he stands prepared to sustain, by satisfactory proof of some kind, its actual existence.

"If he who exhibits a charge of political crime is, from its very nature, disabled to establish it, how much more difficult is the

condition of the accused? How can he exhibit negative proof of his innocence, if no affirmative proof of his guilt is or can be adduced?"

But the greatest atrocity of this document remains to be noticed which, as it occupies the last third of it—full one third—will be the last to claim attention. Noticing Mr. Clay's expression of satisfaction, in having at last "a responsible accuser" to encounter, General Jackson, with manifest triumph, calls attention to Mr. McDuffie's "RESOLUTION," as he calls it, which he offered in the house of representatives, in 1825, as instructions to the committee, then about to be appointed to inquire and report on the Kremer charges:—

"Now, here is a RESOLUTION," says General Jackson, after citing it, "covering more than the ground of my communication to Mr. Beverley. . . . . More than two years ago, an ACCUSER, highly respectable [Mr. McDuffie], and an ACCUSATION SPECIFIC, were both before him, were both within his reach, and might have been met, had he been at all disposed to the interview. Had Mr. McDuffie believed the charge *groundless* and *untrue*, he is a man of too high sense of honor, to have pressed upon the consideration of the committee, an instruction clothed in the pointed phraseology that this is; nor can it be inferred, that, in a matter so serious, the friends of Mr. Clay would have voted against this asked-for power to the committee. An *innocent* man, before an impartial tribunal, fears not the exercise of any power, that competent authority gives; and *far less* should he distrust that exercise, when in the hands of correct and honorable men. *Innocence* never seeks for safety through covert ways, and hidden ambuscades. *She fights by day*, and in the open plains, and *proud* of her own strength, meets her enemy *fearlessly*. . . . . The RESOLUTION contained strong imputations, and serious charges. Mr. Clay and his friends were both implicated," &c.

After concluding this statement in other like terms, and arguing from it, in the most forcible and effective manner, the appeal is then made to the public, in substance: "Why did not Mr. Clay meet THIS accusation, from SUCH an accuser? And why did his friends reject Mr. McDuffie's RESOLUTION?" Inuendo: "Is this the manner of INNOCENCE? Why did not Mr. Clay, who affects joy in finding an accuser in me, meet Mr. McDuffie?"

Will it be believed, that every part, fact, and feature, of this long, elaborate, and, in no small degree, effective argument, *as such*, was FALSE? Not that the facts were untrue; but the FRAUD consisted in MISNOMERS. In the first place, it was not a "RESOLU-

TION,' as stated, but an AMENDMENT. In the next place, Mr. McDuffie did not occupy the position of an "ACCUSER," as here represented. In the third place, his *amendment* was superfluous, and was, no doubt, rejected by the house for that reason.

To present the fraud in its true light, the *false* and the *true* should be put in contrast. The "*resolution*," of "accusations specific," which General Jackson represented as having been preferred by McDuffie, acting in the capacity of an "ACCUSER," stands, in his public address of July 18, 1827, as follows:—

"That the said committee be instructed to inquire, whether the friends of Mr. Clay have hinted that they would fight for those who would pay best, or anything to that effect; and whether overtures were said to have been made by the friends of Adams to the friends of Clay, offering him the appointment of secretary of state, for his aid to elect Adams; and whether the friends of Clay gave this information to the friends of Jackson, and hinted, that, if the friends of Jackson would offer the same price, they would close with them; and whether it was said and believed, that, as a consideration for this abandonment of duty to his constituents, Clay was to be appointed secretary of state; and that the said committee be authorized to send for persons and papers, and to compel the persons so sent for, to answer all questions, touching the subject referred to, upon oath."

It will be seen, that the character of this sentence is entirely changed, when presented as an *amendment* to the resolution to raise a committee of inquiry, by adding one monosyllable, "AND," at the beginning, and by using the quotation points where they belong, to mark the extracts from Mr. Kremer's letter, which appear as follows:—

—"AND that the said committee be instructed to inquire, whether the friends of Mr. Clay '*hinted that they would fight for those who would pay best*,' or anything to that effect; and whether '*overtures were said to have been made by the friends of Adams to the friends of Clay, offering him the appointment of secretary of state for his aid to elect Adams*;' and whether '*the friends of Clay gave this information to the friends of Jackson, and hinted that, if the friends of Jackson would offer the same price, they would close with them*;' and whether '*it was said and believed, that, as a consideration for this abandonment of duty to his constituents, Clay was to be appointed secretary of state*,' &c.

When the author carefully read this address of General Jackson, with a view of noticing it in this work, being deceived by the MISNOMERS applied to this part of it, he was struck with the force and effectiveness of the reasoning, and could not see how it was

possible to answer it; and it was not till he discovered the FRAUD, that it appeared in its true light. As it constitutes the important point and part of the address—all the rest being as nothing—the effect of it on the public mind is clearly explained by this discovery. The force of the reasoning vanishes entirely, when the true names are applied, and the position of Mr. McDuffie, in offering this *amendment*, is understood. All the "*specifications of charge*" contained in it, are literal extracts from Mr. Kremer's letter to the Columbian Observer, and the object of Mr. McDuffie, in proposing the amendment, as stated by himself, on the occasion, was "merely to confine the charges against the honorable speaker to the *very words of the letter* of the gentleman [Mr. Kremer] from Pennsylvania." "Let me add one word [said Mr. McDuffie], to the friends of Mr. Clay on this floor. And there are no members on this floor, for whom, generally, I feel more respect. I have been informed, that some of his friends suppose, that the *amendment* I have offered, contains something which is intended to bear harshly upon them. NOT SO; NOT SO. My object is *merely* to confine the charges," &c., as above cited. It should be observed, that the above remarks are quoted from the speech which Mr. McDuffie made at the time. Again, on the 31st March, 1826, more than a year after the above was spoken, while an amendment of the constitution was under debate, Mr. McDuffie said: "Now, I have the greatest respect for those gentlemen, who were the personal and political friends of Mr. Clay in the late election of president. Next to my own personal friends, there are none whom I estimate more highly."

Mr. McDuffie's amendment, therefore, was NOT a "RESOLUTION," and he did NOT stand in the attitude of an "ACCUSER," as represented by General Jackson; but his object was *merely* to confine the duties of the committee to the charges of Mr. Kremer's letter. The reason why the amendment did not pass, is obvious: It was superfluous. Every member of the house understood, that Mr. Kremer's charges were the *sole* subject of inquiry, and that the committee was to be raised for that purpose. There was, therefore, no need of the amendment, and the house very properly rejected it, without even taking the *yeas and nays*, which were called for, but refused. It was not deemed of sufficient consequence, as it was a mere repetition of the charges in Mr. Kremer's letter, which was the very thing proposed to be sent to the committee. The only addition was, that the evidence should be taken

on oath, which was also superfluous, as that would be a matter of course.

But General Jackson, after having set up Mr. McDuffie as the "ACCUSER" of Mr. Clay—after having erected Mr. McDuffie's amendment into the form of "A RESOLUTION," by dropping the word "AND"—and after having held up its "accusations specific" as Mr. McDuffie's, by omitting the quotation points, which would have shown them to be Mr. Kremer's—manifestly conveys the idea—*declares it*—(that is the great point of his argument)—that Mr. Clay sought to avoid, and did decline, this investigation! So the public understood it at the time, and so, apparently—the author has never seen the fraud exposed—has it been understood down to this moment! So received, it was a most powerful appeal to the mind of the country; and the impression was no doubt made, and left to operate most unjustly, that, notwithstanding Mr. Clay's formal demand for an inquiry, he shrank from it at last!

Who prevented the investigation? Ostensibly, Mr. Kremer, by refusing to stand, either as accuser or witness, in the first of which he had volunteered, and was bound to it, alike by honor and duty. But *really*, it was the conspirators who prevented it. Mr. Kremer only obeyed their instructions. And General Jackson, there is reason to suppose, was at the bottom of the whole. HE prevented it, and yet accuses Mr. Clay of fleeing from it!

In this attempt of General Jackson—not unsuccessful—to fasten upon the public, BY MISNOMERS, an argument, to the prejudice of Mr. Clay, so utterly false and groundless, in all its parts and bearings, a very grave question arises, whether he KNEW it? Whether it can be supposed, that a man of such prominence and sagacity, who had occupied so many public stations of great responsibility, both in the military and civil service—who was once a lawyer, and then a judge, in Tennessee—who was a senator of the United States, and at Washington, during the first hatching of this conspiracy—an observer of its progress, and the only party chiefly interested in its success—WHETHER, he could be ignorant, that this argument, which he constructed out of Mr. McDuffie's superfluous AMENDMENT, bringing it to bear so forcibly on Mr. Clay, was UTTERLY FALSE, from beginning to end? If he was ignorant, it would be strange. If he was not, it is unnecessary to say what it proves. The fact that he changed the amendment into a "RESOLUTION," and called it such, and omitted those SIGNS, marks of quotation, which indicate its identity with Mr. Kremer's letter, as

already noticed, apparently establishes a DESIGN, which can not be overlooked, and which is painful to contemplate. The yet further fact, that he *repeatedly* denominates this amendment, of such an innocent and superfluous character, "*an* ACCUSATION SPECIFIC," coming from Mr. McDuffie, as the "ACCUSER," and staring Mr. Clay in the face—from which Mr. Clay is represented to have fled in alarm—aggravates the atrocity of the fraud! All this, when he KNEW, that Mr. Clay DEMANDED an investigation of THESE VERY POINTS, and sustained his demand to the last; when he KNEW, that the house was disposed to prosecute it, as an act of justice; when he KNEW, that Mr. Kremer, alias the conspirators, alias himself, ALONE prevented it; and when (if he was attentive to what was going on at the time, in the house of representatives—and who can suppose he was inattentive?) he KNEW, that Mr. McDuffie, in offering that amendment, did not present himself in a hostile attitude, nor even in one of unkindness, toward Mr. Clay and his friends!

Some of the contemporaneous frauds, practised for the same end, are interesting and instructive items of history, one of which, of no mean authority, and of great solemnity, is found in No. X., of a series of letters published in the United States Telegraph, EXTRA, Washington city, in 1828, signed by the following gentlemen, as the Jackson committee of correspondence at Philadelphia: Joseph Worrell, William Duncan, William Boyd, Henry Toland, John Wurts, William J. Duane (afterward secretary of the treasury under General Jackson), William J. Leiper, Charles S. Coxe, and Thomas M. Pettit. These letters, for the sake of form and effect, were addressed to John Sergeant, Manuel Eyre, Lawrence Lewis, C. C. Biddle, and Joseph Norris, Esquires, political opponents, who had happened to be the authors of a public address on their own side. The Telegraph, EXTRA, in which these letters were published, was the weekly Jackson paper for the presidential campaign of 1828. In letter No. X., they assign, among the proofs of Andrew Jackson's qualifications for civil office, the following fact, copied in their own words:—

"Such was the reputation which he [Andrew Jackson] established, upon the organization of the territory of the United States south of the Ohio, now called Tennessee, in May, 1790, Washington APPOINTED him district attorney, a station which Andrew Jackson HELD, until elected to serve, in 1796, in the convention for forming a constitution for Tennessee.

"The following," say they, "is the FORM of the commission given by Washington to Andrew Jackson. We are not SURE that the DATE is correct, but we BELIEVE it is so, and EQUALLY correct in ALL OTHER particulars. The district south of the Ohio was organized under act of Congress, of May 25, 1790. Andrew Jackson was appointed under it:—

"'George Washington, president of the United States of America: To all who shall see these presents, greeting:—

"'Know ye, that, reposing special trust and confidence in the integrity, ability, and learning of Andrew Jackson, of Nashville, of the territory of the United States, south of the Ohio, I have nominated, and by and with the advice of the senate, do appoint him attorney of the said United States, for the district of the said United States south of the river Ohio, and do authorize and empower him to execute and fulfil the duties of that office, according to law, and to have and hold the same, together with all the power, privileges, and emoluments, thereto of right appertaining, unto him, the said Andrew Jackson, during the pleasure of the president of the United States for the time being. In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereto affixed. Given under my hand, at the city of New York, the twelfth day of August, in the year of our Lord one thousand seven hundred and ninety.

"'[L. S.] [Signed.] G. WASHINGTON.'"

When this document was shown to be a FORGERY, the apology made for it, in letter XVII., was, that John H. Eaton, the biographer of General Jackson, had stated the fact; and taking it for granted there must have been a commission, they made out one to correspond, as near as they could guess, as to date and form: "We gave the FORM of a commission, *copied* from the original commission of 1789, from Washington to a district attorney, giving the name, place, and date, as we *believed* they must be in the original." The apparent imperfection of this document, which will doubtless be observed by professional men, seems to indicate, that no certain reliance can be placed on the above assertion, that it is even a copy of an authorized form, though it is quite immaterial whether it be so or not. One would think, that the hand which drew it, should have paused at the words, "in the year of our Lord." It might be supposed enough thus to employ the name of "G. WASHINGTON," without bringing in that of the Divine Author of the Christian dispensation, to sanction the deed!

CHAPTER XVI.

THE GREAT CONSPIRACY.

The Conspirators Tried by their own Evidence.—Mr. Buchanan's Answer to General Jackson.—Mr. Markley's Reply to Mr. Buchanan.—Major Eaton's Letter on same Subject.—Letters of Mr. Buchanan to the United States Telegraph.—Extracts from Mr. Clay's Address to the Public in December, 1827.—Examination of the Witnesses.

No doubt, General Jackson relied upon Mr. Buchanan, *as a political friend*, to sustain him. He had named him as his only witness. It is probable, that the result of Mr. Beverley's management, at Wheeling, had, in some degree, disconcerted the general plan. In his letter to Duff Green, editor of the Telegraph, from that place, he says: "It has not taken the course I exactly calculated upon. I have written on to General Jackson, informing him precisely of the course and bearing of the subject." It has been seen, by the general's address to the public, of July 18th, that he was not a little vexed with the "course and bearing of the subject," and that he complained loudly of Mr. Clay for his manner of getting possession of his letter of June 6th, to Mr. Beverley. How they would have managed, if Mr. Clay had not obtained the letter, it is impossible to say; but there is sufficient evidence, that a profound and comprehensive portion of the plot was being developed. It was undoubtedly modified, and probably precipitated, by this accident. Hitherto General Jackson himself had kept behind the curtain. But this disclosure—if it may be called such—brought out the chieftain in full view, and enabled Mr. Clay to descend upon him as his accuser. Mr. Buchanan is the ONLY WITNESS, and is appealed to as such. It is not perhaps certain, how he would have spoken, in answer to this appeal, if he had not been influenced by a transaction yet undisclosed, in which he was personally concerned. He stood between two fires—the wrath of General Jackson, and another deposited in ashes, which might at any moment be raked up, and scorch him. Of this last,

General Jackson possibly knew nothing, and therefore reckoned on Mr. Buchanan's aid too confidently; or, if he did know—which is not improbable—he still reckoned falsely. Indeed, he had no choice. He was *compelled* to invoke the aid of his friend. Mr. Clay had pressed him hard, and unexpectedly. They had doubtless intended to steer clear of such a difficulty; but that unfortunate management at Wheeling had deranged all, and Mr. Clay had descended the Ohio river, with General Jackson's letter of the 6th June, in his pocket, to give to the public, they knew not how, or when. It came down upon the Hermitage like an avalanche. Then followed General Jackson's address to the public, the merits of which have been considered. It was impossible for Mr. Buchanan to avoid his destiny, and on the 8th of August, he sent to the Lancaster Journal the communication found in the lower margin of this chapter,* with other documents belonging to this branch of the subject, which are more or less employed here as evidence, and which, carefully perused, will be found replete with instruction. The extracts from Mr. Clay's address to the public, in December, 1827, are especially commended to consideration.

* "*To the Editor of the Lancaster Journal:*—

"The Cincinnati Journal was last night placed in my hands by a friend, containing an address from General Jackson to the public, in which he announces me to be the member of Congress, to whom he had referred, in his letter to Mr. Beverley, of the 6th of June last. The duty which I owe to the public, and to myself, now compels me to publish to the world the only conversation which I ever held with General Jackson, upon the subject of the last presidential election, prior to its termination.

"In the month of December, 1824, a short time after the commencement of the session of Congress, I heard, among other rumors then in circulation, that General Jackson had determined, should he be elected president, to continue Mr. Adams secretary of state. Although I felt certain he had never intimated such an intention, yet I was sensible, that nothing could be better calculated, both to cool the ardor of his friends, and inspire his enemies with confidence, than the belief, that he had already selected his chief competitor for the highest office within his gift. I thought General Jackson owed it to himself, and to the cause in which his political friends were engaged, to contradict this report; and to declare that he would not appoint to that office the man, however worthy he might be, who stood at the head of the most formidable part of his political enemies. These being my impressions, I addressed a letter to a confidential friend in Pennsylvania, then and still high in office, and exalted in character, and one who had ever been the decided advocate of General Jackson's election, requesting his opinion and advice upon the subject. I received his answer, dated the 27th of December, 1824, upon the 29th, which is now before me, and which strengthened and confirmed my previous opinion. I then finally determined, either that I would ask General Jackson myself, or get another of his friends to ask him, whether he had ever declared he would appoint Mr. Adams his secretary of state? In this manner, I hoped a contradiction of the report might be obtained from himself, and that he might probably declare it was not his intention to appoint Mr. Adams.

"A short time previous to the receipt of the letter, to which I have referred, my friend, Mr. Markley, and myself, got into conversation, as we very often did, both before and after, upon the subject of the presidential election, and concern-

In all that is essential as a witness to the support of General Jackson—and he the only witness—Mr. Buchanan disappoints him UTTERLY. His evidence, so far as it goes—and it certainly goes

ing the person who would probably be selected by General Jackson, to fill the office of secretary of state. I feel sincerely sorry, that I am compelled thus to introduce his name; but I do so with the less reluctance, because it has already, without any agency of mine, found its way into the newspapers, in connexion with this transaction.

"Mr. Markley adverted to the rumor, which I have mentioned, and said it was calculated to injure the general. He observed that Mr. Clay's friends were warmly attached to him, and that he thought they would endeavor to act in concert at the election; that if they did so, they could either elect Mr. Adams or General Jackson, at their pleasure; but that many of them would never agree to vote for the latter, if they knew he had predetermined to prefer another to Mr. Clay for the first office in his gift; and that some of the friends of Mr. Adams had already been holding out the idea, that, in case he were elected, Mr. Clay might probably be offered the situation of secretary of state.

"I told Mr. Markley, that I felt confident General Jackson had never said he would appoint Mr. Adams secretary of state, because he was not in the habit of conversing upon the subject of the election; and if he were, whatever might be his secret intention, he had more prudence than to make such a declaration. I mentioned to him, that I had been thinking, either that I would call upon the general myself, or get one of his other friends to do so, and thus endeavor to obtain from him a contradiction of the report, although I doubted whether he would hold any conversation upon the subject.

"Mr. Markley urged me to do so; and observed, if General Jackson had not determined whom he would appoint secretary of state, and should say that it would not be Mr. Adams, it might be of great advantage to our cause for us so to declare, upon his own authority. We should then be placed upon the same footing with the Adams men, and might fight them with their own weapons. That the western members would naturally prefer voting for a western man, if there were a probability that the claims of Mr. Clay to the second office in the government should be fairly estimated; and that, if they thought proper to vote for General Jackson, they could soon decide the contest in his favor.

"A short time after this conversation, on the 30th of December, 1824 (I am able to fix the time, not only from my own recollection, but from letters which I wrote on that day, on the day following, and on the 2d of January, 1825), I called upon General Jackson. After the company had left him, by which I found him surrounded, he asked me to take a walk with him; and, while we were walking together upon the street, I introduced the subject. I told him I wished to ask him a question in relation to the presidential election; that I knew he was unwilling to converse upon the subject; that, therefore, if he deemed the question improper, he might refuse to give it an answer; that my only motive in asking it, was friendship for him, and I trusted he would excuse me for thus introducing a subject about which I knew he wished to be silent.

"His reply was complimentary to myself, and accompanied with a request, that I would proceed. I then stated to him, there was a report in circulation, that he had determined he would appoint Mr. Adams secretary of state, in case he were elected president, and that I wished to ascertain from him, whether he had ever intimated such an intention; that he must at once perceive how injurious to his election such a report might be; that no doubt there were several able and ambitious men in the country, among whom I thought Mr. Clay might be included, who were aspiring to that office; and, if it were believed he had already determined to appoint his chief competitor, it might have a most unhappy effect upon their exertions, and those of their friends; that, unless he had so determined, I thought this report should be promptly contradicted under his own authority.

"I mentioned it had already probably done him some injury, and proceeded to relate to him the substance of the conversation I had held with Mr. Markley. I do not remember, whether I mentioned his name, or merely described him as a friend of Mr. Clay. After I had finished, the general declared, he had not the least objection to answer my question; that he thought well of Mr. Adams, but had never said, or intimated, that he would, or would not, appoint him secretary

a good way, and proves not a little—establishes the fact, that it was General Jackson's, and not Mr. Clay's friends, who were busy and active in this sort of management, called *bargaining*. Nowhere

of state; that these were secrets he would keep to himself—he would conceal them from the very hairs of his head; that if he believed his right hand then knew what his left would do on the subject of appointments to office, he would cut it off, and cast it into the fire; that if he should ever be elected president, it would be without solicitation, and without intrigue, on his part; that he would then go into office perfectly free and untrammelled, and would be left at perfect liberty to fill the offices of the government with the men, whom, at the time, he believed to be the ablest and the best in the country.

"I told him, that this answer to my question was such a one as I had expected to receive, if he answered it at all; and that I had not sought to obtain it for my own satisfaction. I then asked him, if I were at liberty to repeat his answer? He said, I was at perfect liberty to do so, to any person I thought proper. I need scarcely remark, that I afterward availed myself of the privilege. The conversation upon this topic here ended, and in all our intercourse since, whether personally, or in the course of our correspondence, General Jackson never once adverted to the subject, prior to the date of his letter to Mr. Beverley.

"I do not recollect, that General Jackson told me I might repeat his answer to Mr. Clay and his friends; though I should be sorry to say, he did not. The whole conversation being upon a public street, it might have escaped my observation.

"A few remarks, and I trust I shall have done with this disagreeable business for ever.

"I called upon General Jackson, upon the occasion which I have mentioned, solely as his friend, upon my individual responsibility, and not as the agent of Mr. Clay, or any other person. I never have been the political friend of Mr. Clay, since he became a candidate for the office of president, as you very well know. Until I saw General Jackson's letter to Mr. Beverley, of the 6th ult., and at the same time was informed by a letter from the editor of the United States Telegraph, that I was the person to whom he alluded, the conception never once entered my head, that he believed me to be the agent of Mr. Clay, or of his friends, or that I had intended to propose to him terms of any kind from them, or that he could have supposed me to be capable of expressing 'the opinion that it was right to fight such intriguers with their own weapons.' Such a supposition, had I entertained it, would have rendered me exceedingly unhappy, as there is no man upon earth, whose good opinion I more valued, than that of General Jackson. He could not, I think, have received this impression, until after Mr. Clay and his friends had actually elected Mr. Adams president, and Mr. Adams had appointed Mr. Clay secretary of state. After these events had transpired, it may be readily conjectured, in what manner my communication might have led him into the mistake. I deeply deplore, that such has been the effect.

"I owe it to my own character to make another observation. Had I ever known, or even suspected, that General Jackson believed I had been sent to him by Mr. Clay or his friends, I should immediately have corrected his erroneous impression; and thus prevented the necessity for this most unpleasant explanation. When the editor of the United States Telegraph, on the 12th of October last, asked me by letter for information upon this subject, I promptly informed him by the returning mail, on the 16th of that month, that I had no authority from Mr. Clay, or his friends, to propose any terms to General Jackson, in relation to their votes, nor did I ever make any such proposition; and that I trusted I would be as incapable of becoming a messenger upon such an occasion, as it was known General Jackson would be to receive such a message. I have deemed it necessary to make this statement, in order to remove any misconception, which may have been occasioned by the publication in the Telegraph, of my letter to the editor, dated the 11th ultimo.

"With another remark I shall close this communication. Before I held the conversation with General Jackson, which I have detailed, I called upon Major Eaton, and requested him to ask General Jackson, whether he had ever declared, or intimated, that he would appoint Mr. Adams secretary of state, and expressed a desire that the general should say, if consistent with the truth, that he did not

does a friend of Mr. Clay appear on the stage, according to this witness. It is true, he drags in his own friend, Mr. Markley, and tries to make him a Clay-man, for the occasion. But it will be

intend to appoint him to that office. I believed, that such a declaration would have a happy influence upon the election, and I endeavored to convince him, that such would be the effect. The conversation between us was not so full, as that with General Jackson. The major politely declined to comply with my request, and advised me to propound the question to the general myself, as I possessed a full share of his confidence. "JAMES BUCHANAN.

"LANCASTER, 8th *August*, 1827."

EXTRACTS FROM MR. MARKLEY'S LETTER TO THE PUBLIC.

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"That I was originally friendly to the election of General Jackson to the presidency, I do not deny . . . . I voted for him in the democratic caucus of 1824. I subsequently, not only gave him my vote, but used my best exertions, by every fair and honorable means, to promote his election to the presidential chair. . . . Because I had been defeated by a constitutional majority, in my desire to have General Jackson elected, it did not seem to me, that I was called upon to resist, embarrass, and overthrow, the new administration, whether it should be right or wrong. . . . When I ascertained that he [Mr. Adams] had taken to his aid such able and experienced advisers as Mr. Clay, Mr. Rush, Mr. Southard, and Mr. Barbour, men identified with the republican institutions of the country, in peace, and in war; men who had enjoyed the confidence of the republican administrations of Mr. Jefferson, Mr. Madison, and Mr. Monroe; men who had long acted, and were incorporated, with the great democratic family of the Union, I did not feel at liberty to doubt what would be the character of Mr. Adams's administration.

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"The latter end of December, 1824, I believe—but can not with absolute certainty say—it was on the 30th, my friend, Mr. Buchanan, called to see me in the evening, at my boarding-house. I happened to be alone in my room. Mr. B. commenced by stating that he felt great solicitude for the election of General Jackson, and that his friends should use every honorable means to promote it—to which I replied, that I heartily united with him in opinion. Mr. B. adverted to the rumors that were afloat, that the friends of Mr. Adams were holding out the idea, that, in case he should be elected, Mr. Clay would probably be offered the situation of secretary of state, and that, in case General Jackson should be elected, he would appoint or continue Mr. Adams secretary of state. I told Mr. B. I thought such a report was calculated to do General Jackson a great deal of injury, and if it were not well founded, it ought to be contradicted, and mentioned further, that there was great plausibility in such reports, and their receiving credit, particularly that which represented General Jackson as having determined, if he should be elected, that he would continue Mr. Adams secretary of state, inasmuch as Mr. A. had been one of his ablest defenders and advocates in his report sustaining General Jackson against the charges, which were preferred against him in relation to the Seminole war.

"Mr. Buchanan stated, that he had written to, or received a letter from, a mutual friend of ours in Pennsylvania, on the subject of the presidential election, and cabinet appointments, and that he had determined to call upon the general himself, or to get Major Eaton to mention to him the reports that were in circulation, and obtain, if he could, a contradiction of them. Mr. B. also asked, if I had seen Mr. Clay—and whether I had had any conversation with him, touching the presidential election? I replied, that I had seen him in the house, but had had no conversation with him on that subject; but said, I was anxious to get an opportunity to have a conversation with him, as I felt a great anxiety, that he should vote with Pennsylvania. Mr. B. replied, that no one felt more anxious, for various reasons, than he did himself; that it was important, not only for the success of General Jackson's election, that Mr. Clay should go with Pennsylvania, but on account of his ulterior political prospects—declaring that he [Mr. B.] hoped to see Mr. Clay president of the United States, and that was another reason why he should like to see Mr. Clay secretary of state, in

seen, by his own evidence, that this function was as uncanonical, as General Jackson's feigning, that he verily thought Mr. Buchanan was a Clay-man. Both had equal reason, and the same motive.

case General Jackson was elected; and that, if he were certain that Mr. Clay's views were favorable to General Jackson's election, he would take an opportunity of talking with General Jackson on the subject, or get Major Eaton to do so; that he thought, by doing so, he would confer a particular benefit on his country, and that he could see nothing wrong in it. Mr. B. urged me to use no delay in seeing Mr. Clay. I told him I would, and accordingly called upon Mr. Clay, at his boarding-house, I think the evening after this conversation; but he was not at his lodgings. I called to see him again, but he had some of his friends with him, and I had no opportunity of conversing with him, nor had I ever any conversation with him, until the evening of the 10th or 11th of January, prior to my leaving Washington for Pennsylvania, to attend the courts in Montgomery county. The conversation I then had with him, was of a very general character. No mention was made of cabinet appointments, and I did not ascertain which of the candidates Mr. Clay would support.

"I have no recollection of anything being said, in the conversation with Mr. Buchanan, about the friends of Mr. Clay moving in concert at the election. I however distinctly recollect, that we both expressed an anxious hope, that the west would not separate from Pennsylvania. I have no recollection whatever of having urged Mr. B. to see General Jackson, although I concurred in the propriety of his suggestion, that he should call to see him; nor have I the faintest recollection of anything being said about fighting Mr. Adams's friends with their own weapons. If any such expressions were used, I am very certain, it was not by me. From the recollection I have of the conversation, to which Mr. Buchanan has reference, in his letter to the public, of the 8th of August last, my impressions are, that the object of his visit that evening was to urge the propriety of my seeing Mr. Clay, and to give him my view as to the importance of his identifying himself with Pennsylvania, in support of General Jackson. I entertained no doubt, that Mr. Buchanan was honestly determined, that no exertions, on his part, should be wanting, and that he felt confident he could speak with certainty, as to the great mass of General Jackson's friends, that, in case of the election of General Jackson, they would press upon him the appointment of Mr. Clay as secretary of state.

"Mr. Buchanan concurred with me, in opinion, that Pennsylvania would prefer Mr. Clay's appointment, to that of any other person, as secretary of state, and from the obligation the general was under to Pennsylvania, that he would go far to gratify her wishes, and that, therefore, he believed the general, if elected, would appoint Mr. Clay.

"I have thus given the conversation substantially, as it took place, as the one Mr. B. has reference to, in his letter to the public, of the 8th of August last. It was a conversation of a general and promiscuous character, in which we both participated. It is upward of two years, since that conversation took place, and considering it of a private and confidential character, I made no minute of it, nor did I ever expect it would be given to the public. It is somewhat remarkable, that two years and more should have elapsed, Mr. Buchanan and myself boarding together at the same house, during the last two sessions of Congress, during which period we had many conversations on the subject of the presidential election, as well as on public and private matters, yet, not once, in all that time, did my friend, Mr. Buchanan, ever advert to the conversation, which he has recently thought himself called upon to give to the public, as having taken place between us. I can not avoid thinking it somewhat singular, that Mr. B. should have been so reserved toward me, particularly as Duff Green had been furnished with a statement, in October, 1826, of what had passed between General Jackson and himself; and that a statement had also been furnished to him, by Major Eaton, in August, 1826, as to the purport of the conversation between himself and Mr. Buchanan. That these movements should have taken place, and that there should have been no concert improperly to drag me into this business, and yet, that, under all these circumstances, Mr. B. should have been silent toward me, and that he should think proper to introduce a detailed conversation, in which he makes me say all, and himself little or nothing—a conversation totally unneces-

It is manifest, however, from these two notable documents, General Jackson's and Mr. Buchanan's—not to speak of other evidences—that there was *bargaining* going on. These documents

sary for the purpose of sustaining an individual, acting, as he protests he always acted, on his own authority—does, to me, and probably will to the public, seem somewhat unaccountable. It gives me pain to think of these things, especially as having emanated from a person, to whom I feel obligations of friendship, for acts of kindness, and in whose friendship I reposed the most unlimited confidence.

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"It has repeatedly been stated, that I was the agent, or as Major Eaton is pleased to say, 'the negotiator,' of Mr. Clay, authorized to make propositions, or ask a pledge, of a conditional character, for the vote of Mr. Clay and his friends. I do now solemnly and positively declare, that the charge and insinuation are void of truth. I never did, either directly or indirectly, receive from Mr. Clay, or his friends, any intimation, which could be construed, even by political rancor, into such a commission, or anything even remotely approaching to it. Had any such agency, by any one, been tendered, I should have indignantly rejected it. I will go further, and state, that never did I, in the course of my conversation with Mr. Clay, hear him say, or express a desire, that, in the event of the election of General Jackson, Mr. Adams, or Mr. Crawford, he should wish to be secretary of state, or hold any station in the cabinet. Further, I never have, to any one, at any time, or on any occasion, represented myself, or wished it to be understood, that I was authorized to receive, or to make, overtures on the part of Mr. Clay, or his friends. I think proper to make this general and unqualified declaration, that there may not be left a loophole on which to hang a doubt, on this subject. I did not know, until ten days after the election of Mr. Adams, that Mr. Clay had been offered the appointment of secretary of state; and it is a well-known fact, that, after he had the offer, he consulted many of his friends, whether he should, or should not, accept it. He told me, in a conversation he did me the honor to hold with me, on the subject, that the acceptance of it would not only be to him a sacrifice of domestic happiness, but a serious pecuniary loss. I know, also, that not only his immediate personal and political friends, but many of those who voted for other candidates, were desirous that he should accept the station, and urged, that his country had claims upon him, and would never see him suffer from devotion to her best interests.

"I am free to acknowledge, that, at the time of the conversation between Mr. Buchanan and myself, my impression was, that General Jackson would be elected; and it was pretty generally talked of, as well as understood, among many of his friends, that, in the event of his election, Mr. Clay would have the offer of secretary of state; and I doubt not, that I may, in common with others, have mentioned my opinion to my political friends. These impressions were founded on the belief, that the western interest would unite in General Jackson's election, and that, with the aid of one or two of the states in favor of Mr. Crawford, he would be elected. I mention these floating opinions of the day, to show, that I have no reserve, and that all I said, or did, I am quite willing should be known.

"I left Washington for Pennsylvania, on the morning of the 11th or 12th of January, 1825, and did not return till Tuesday, the 30th of the same month, the day after Mr. Clay's card had appeared in the National Intelligencer. This absence, at this critical juncture, is of itself sufficient to repel the idea, that I took any peculiar interest as to the arrangements dependent on who might, or might not, be elected president.

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"All that appears from the showing of Mr. Buchanan and Mr. Isaacks, so far as I was concerned, is, that, in common with those gentlemen, I expressed myself exceedingly anxious for the election of General Jackson, and, on my own personal responsibility, said and did all I could to promote it.

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"I do not recollect, that Mr. Buchanan and myself had any conversation, from the 30th of December, until after my return to Washington, on the 30th of January, that is, for the whole month almost immediately preceding the election—during the greater part of which time, I was more than a hundred miles from the scene of action.

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prove, first, that General Jackson was upon the stage—suppose merely passive. He was THERE. Next, they prove, that a Jackson-man (Mr. Buchanan) had to do with General Jackson, on this

"In none of the conversations, of which I have any knowledge, was there anything said, which had the slightest tendency to fix or trace, either corruption or bargain, to Mr. Adams, to General Jackson, to Mr. Crawford, or to Mr. Clay. All that I was able to discover among the friends of the respective candidates, was, a fair and honorable anxiety and zeal to promote the election of their favorite candidates.

"PHILIP S. MARKLEY.

"PHILADELPHIA, *October* 30, 1827."

MAJOR EATON TO THE PUBLIC—AN EXTRACT.

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"I can not precisely, and to a day, declare the time when Mr. Buchanan came to see, and to converse with me; but I do recollect it to have been during that week, on the Saturday of which the reported meeting of Mr. Clay and his friends took place, and when the determination was taken to support Mr. Adams. I feel quite satisfied, that the meeting, to which I allude, was on Saturday, the 22d of January. Early in that week, Tuesday or Wednesday evening, Mr. Buchanan visited me. It was on the pavement, and in front of my own residence, where we conversed together. A statement of our conversation, concisely drawn, was given to General Green, editor of the United States Telegraph, at his request, in August, 1826, more than a year ago. It is as follows:—

"In January, 1825, a few days before it had been known, that Mr. Clay and his friends had declared in favor of Mr. Adams, I was called upon by Mr. Buchanan, of Pennsylvania. He said, it was pretty well ascertained, that overtures were making, by the friends of Adams, on the subject of cabinet appointments; that Jackson should fight them with their own weapons. He said, the opinion was, that Jackson would retain Adams, and that it was doing him injury; that the general should state whom he would make secretary of state, and desired that I would name it to him. My reply was, that I was satisfied General Jackson would say nothing on the subject. Mr. Buchanan then remarked: 'Well, if he will merely say, he will not retain Mr. Adams, that will answer.' I replied, I was satisfied, General Jackson would neither say who should, nor who should not, be secretary of state—but that he (Mr. B.) knew him well, and might talk with him as well as I could. Mr. Buchanan then said, that, on the next day, before the general went to the senate, he would call. He did so, as I afterward understood.

"In this application and interview, I felt that Mr. Buchanan was acting on the ground of anxious solicitude for the success of General Jackson, and from a desire that nothing of stratagem and management should interpose to prevent the election of one for whom he felt more than common interest. I considered, that, in his zeal, he felt it to be right to defend the citadel against unlooked-for assaults, and believed, consequently, that the enemy should be met with their own weapons. He may have intended to present this as the idea and opinion of others, not his own. Such, indeed, may have been the case, though I can not say I so understood him at the time.

"I take occasion to repeat, that the conversation, as here given, at the request of the editor of the United States Telegraph, was afforded him in August, 1826, while he was on a visit to Tennessee. I mention this fact, because the statement being in his (Mr. B.'s) possession, he will be enabled to say, if the one he has, and that which is here submitted, be not the same.

"JOHN H. EATON.

"FRANKLIN TENNESSEE, *September* 12, 1827."

MR. BUCHANAN TO THE EDITOR OF THE UNITED STATES TELEGRAPH, OCTOBER 16, 1826—AN EXTRACT.

"At this distance of time, I could not, if I would, explain to you all the causes which induced me to hold the only conversation I ever held with General Jackson, on the subject of the presidential election. It will be sufficient, however,

subject. Admit, that Mr. Buchanan was "on familiar and friendly terms with Mr. Clay." That is his general character with political opponents. He was all the better qualified, on this account,

for your purpose, to know, that I had no authority from Mr. Clay, or his friends, to propose any terms to General Jackson, in relation to their votes, nor did I make any such proposition. I trust I would be as incapable of becoming a messenger on such an occasion, as it is known General Jackson would be to receive such a message.

"I repeated the substance of this conversation to a few friends, at Washington, one of whom must have communicated it to you. That person, whoever he may be, is entirely mistaken, in supposing the subject of it to have been what you allege in your letter. I must, therefore, protest against bringing that conversation before the people, through the medium of the Telegraph, or any other newspaper.

"The facts are before the world, that Mr. Clay and his particular friends made Mr. Adams president, and Clay secretary of state. The people will draw their own inference from such conduct, and the circumstances connected with it. They will judge of the cause from the effect."

FROM THE UNITED STATES TELEGRAPH, JULY, 1827.

"All that the public will require of General Jackson, is, that he shall give the *name* of his distinguished friend, through whom the views of Mr. Clay's friends were communicated to him. Immediately upon the receipt of General Jackson's letter to Mr. Beverley, we enclosed a copy of it to that distinguished member of Congress, and received the following reply:—

"'————, *July* 16, 1827.

"'DEAR SIR: I received yours of the 30th ultimo, on the morning of the 5th instant. In answer to it, I can only, at present, refer you to my answer to yours of the 12th of October last. I have a very *distinct recollection* of the only conversation I ever held with General Jackson, concerning the last presidential election, prior to its termination, and when compelled to disclose it, I need not say, that I will speak the truth.

"'Everything in this state [Pennsylvania], at present, looks well for the general. We have been making great exertions in his behalf. The character of the proposed convention of states at Harrisburg, seems now to be pretty well understood. I hope that nothing may occur to mar his prospects here, as a doubt about the vote of this state, might have a serious effect against him throughout the Union.

"'From your friend,

————— ————.'"

MR. CLAY'S ADDRESS TO THE PUBLIC, DECEMBER, 1827—EXTRACTS.

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"It was the policy, with which the political campaign was conducted, in the winter of 1824–'5, by the forces of the general, in the first instance, to practise stratagem with my friends and me. Accordingly, the arts of persuasion and flattery were employed. But as I did not hasten to give in my adhesion, and remained most mysteriously silent, in other words, had not converted myself into a zealous and boisterous partisan of General Jackson, it became necessary to change that policy, and to substitute intimidations for blandishment. Mr. Kremer presented himself as a fit agent in this new work. He was ardent, impelled by a blind and infuriate zeal, and *irresponsible*, and possessed at least the faculty of clamorous vociferation. His letter to the Columbian Observer was prepared and he was instructed to sign and transmit it. That he was not the author of the letter, he has deliberately admitted to Mr. Crowningshield, former secretary of the navy. That he was not acquainted with its contents, that is, did not comprehend the import of its terms, has been sufficiently established. To Governor Kent, Col. Little (who voted in the house of representatives for Gen. Jackson), Col. Brent, of Louisiana, and Mr. Digges, he disclaimed all intention of imputing anything dishonorable to me. Who was the real author of the letter published in the Columbian Observer, to which Mr. Kremer affixed his signature, I will not undertake positively to assert. Circumstances render it highly probable, that it was written by Mr. Eaton, and with the knowledge of General Jackson. In re-

for any intermediate services. It is, moreover, proved by these documents, that the *principle* of bargaining, or what they called "fighting the Adams-men with their own weapons"—they having

lation to the card of Mr. Kremer, in answer to that which I had previously inserted in the National Intelligencer, I remarked in my circular to my constituents, that the night before the appearance of Mr. Kremer's, as I was voluntarily informed, Mr. Eaton, a senator from Tennessee, and the biographer of General Jackson (who boarded in the end of this city opposite to that in which Mr. Kremer took up his abode, a distance of about two miles and a half), was closeted for some time with him. This paragraph led to a correspondence between Mr. Eaton and myself, in the course of which, in a letter from me to him, under date the 31st March, 1825, I observe: 'It is proper for me to add, that I did believe, from your nocturnal interview with Mr. Kremer, referred to in my address, that you prepared or advised the publication of his card, in the guarded terms in which it is expressed. I should be happy, by a disavowal on your part, of the fact of that interview, or of its supposed object, to be able to declare, as in the event of such disavowal, I would take pleasure in declaring, that I have been mistaken in supposing that you had any agency in the composition or publication of that card.' No occasion can be conceived more fitting for an explicit denial of any participation, on the part of Mr. Eaton, in the transaction referred to. It was the subject of the correspondence between us, and I purposely afforded him an honorable opportunity of avowing or disavowing any co-operation with Mr. Kremer. Instead of embracing it, he does not deny the visit, nor my inference from it. On the contrary, he says in his letter of the 31st March, 1825: 'Suppose the fact to be, that I did visit him [Mr. Kremer]; and suppose, too, that it was, as you have termed it, a nocturnal visit; was there anything existing, that should have denied me this privilege?'

"As Mr. Kremer asserted, that he did not write the letter to the Columbian Observer, and as Mr. Eaton does not deny that he wrote the card, published in Mr. Kremer's name, the inference is not unfair, that, having been Mr. Kremer's adviser and amanuensis on one occasion, he acted in the same character on the other. It is quite clear, that the statements in the letter to the Columbian Observer, are not made upon Mr. Kremer's own knowledge. He speaks of 'reports,' 'rumors,' &c. 'Overtures were *said* to have been made,' &c.

"It is most probable, that these statements are founded on General Jackson's interpretation of the object of Mr. Buchanan's interview. How did he obtain the information, which was communicated to the Columbian Observer? Upon the supposition, that the letter was prepared by Mr. Eaton, we can at once comprehend it. He [Mr. Eaton] was perfectly apprized of all that had passed between Mr. Buchanan and General Jackson. The coincidence of the language employed in the letter to the Columbian Observer, with that of General Jackson to Mr. Carter Beverley, is very striking, and proves, that it has a common origin. Mr. Kremer says: 'Overtures were said to have been made to the friends of Clay, offering him the appointment of secretary of state, for his aid to elect Mr. Adams.' General Jackson says: 'He [Mr. Buchanan] said he had been informed, by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them, saying, if Mr. Clay and his friends would unite in aid of the election of Mr. Adams, Mr. Clay should be secretary of state.' The variations between other parts of the two letters, are not greater than often occur in different narratives of the same conversation. They are not so great as those which exist in the accounts, which General Jackson has himself given, at different times, of the same transaction. This will be manifest, from a comparison of Mr. Beverley's report of the conversation at the Hermitage, contained in his Fayetteville letter of the 8th March last, with General Jackson's statement of the same conversation, in his letter to Mr. Beverley of the 6th of June. Speaking of this letter, Mr. Beverley says, in his letter to N. Zane, Esq., that 'General Jackson asserts a great deal *more* than he told me.'

"From the intimacy, which existed between General Jackson and Mr. Eaton, and from the fact, stated by them both, of the knowledge which each possessed of Mr. Buchanan's communication, it can not be reasonably doubted, if Mr. Eaton prepared Mr. Kremer's letter, that General Jackson was acquainted with this fact. It is worthy of particular observation, that, up to this day, as far as I am

first charitably *assumed*, that the "Adams-men" were so employed—was recognised as proper for the friends of General Jackson, in such a case. It is true, that Mr. Buchanan tries to make his friend,

informed, Mr. Kremer has most carefully concealed the source, whence he derived the statements contained in his famous letter.

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"My personal acquaintance with General Jackson commenced in the fall of 1815, at the city of Washington. Prior to that time, I had never seen him. Our intercourse was then friendly and cordial. He engaged to pass a week of the ensuing summer, at my residence in Kentucky. During that season, I received a letter from him, communicating his regret, that he was prevented from visiting me. I did not again see him, until the session of Congress, at which the events of the Seminole war were discussed. He arrived at Washington in the midst of the debate, and after the delivery, but before the publication, of the first speech, which I pronounced on that subject. Waiving all ceremony, I called to see him, intending by the visit, to evince, on my part, that no opinion, which a sense of duty had compelled me to express of his public conduct, ought to affect our personal intercourse. My visit was not returned, and I was subsequently told, that he was in the habit of indulging in the bitterest observations upon most of those—myself among the number—who had called in question the propriety of his military conduct in the Seminole war. I saw no more of him, except possibly at a distance, during the same winter, in this city, until the summer of the year 1819. Being, in that summer, on my way from New Orleans to Lexington, and travelling the same road on which he was passing, in the opposite direction, from Lexington to Nashville, we met at Lebanon, Kentucky, where I had stopped at breakfast. I was sitting at the door, in the shade, reading a newspaper, when the arrival of General Jackson and his suite, was announced. As he ascended the steps, and approached me, I rose and saluted him, in the most respectful manner. He darted by me, slightly inclining his head, and abruptly addressing me. He was followed by some of his suite, who stopped and conversed with me some time, giving me the latest information of my family. I afterward learnt, that General Jackson accompanied President Monroe, in a visit to my family, and partook of some slight refreshment at my house. On leaving the tavern at Lebanon, I had occasion to go into a room, where I found General Jackson seated, reading a newspaper, and I retired, neither having spoken to the other, and pursued my journey, in company with four or five travelling companions.

"Such was the state of our relations, at the commencement of the session of Congress in 1823, the interval having passed without my seeing him. Soon after his arrival here to attend that session, I collected from certain indications, that he had resolved upon a general amnesty, the benefit of which was to be extended to me. He became suddenly reconciled with some individuals, between whom and himself there had been a long-existing enmity. The greater part of the Tennessee delegation—all, I believe, except Mr. Eaton and General Cocke—called on me together, early in the session, for the express purpose, as I understood, of producing a reconciliation between us. I related in substance all of the above circumstances, including the meeting at Lebanon. By way of apology for this conduct at Lebanon, some of the gentlemen remarked, that he did not intend any disrespect to me, but that he was laboring under some indisposition. I stated, that the opinions which I had expressed in the house of representatives, in regard to General Jackson's military transactions, had been sincerely entertained, and were still held, but that, being opinions in respect to public acts, they never had been supposed by me to form any just occasion for private enmity between us, and that none had been cherished on my part. Consequently, there was, on my side, no obstacle to a meeting with him, and maintaining a respectful intercourse. For the purpose of bringing us together, the Tennessee representatives, all of whom, according to my recollection, boarded at Mrs. Claxton's, on Capitol Hill, gave a dinner, to which we were both invited, and at which, I remember, Mr. Senator White, then acting as a commissioner under the Florida treaty, and others, were present. We there met, exchanged salutations, and dined together. I retired from the table early, and was followed to the door by General Jackson and Mr. Eaton, who insisted on my taking a seat in their carriage. I rode with them, and was set down at my lodgings. I was afterward invited by General Jackson to

Mr. Markley, responsible for this sentiment; but, Mr. Markley denies it—"I am very certain it was not by me;" General Jackson ascribes it to Mr. Buchanan; Major Eaton, in a copy of his con-

dine with him, where I met Mr. Adams, Mr. Calhoun, Mr. Southard, and many other gentlemen, chiefly members of Congress. He also dined, in company with fifteen or eighteen members of Congress, at my lodgings, and we frequently met, in the course of the winter, always respectfully addressing each other.

"Just before I left Kentucky the succeeding fall, November, 1824, to proceed to Washington, a report reached Lexington, that General Jackson intended to take that place in his route to the city. Our friendly intercourse having been restored, in the manner stated, I was very desirous that he should arrive, prior to my departure from home, that I might offer to him the hospitality of my house, and lest he might misinterpret the motive of my departure, if it preceded his arrival. In this temper of mind, I think it quite possible, that I may have said, that, if I had been aware of his intention to pass that way, I would have written to him when I intended to set out, and urged him to reach Lexington before I started on my journey. I certainly never contemplated travelling in company with him, having some time before made all my arrangements for the journey with the gentleman who accompanied me, and having determined upon a route different from the usual one, which was taken by General Jackson. It has been affirmed, that I wrote to him, expressing a wish to accompany him to the city of Washington, and his silence would seem to imply an acquiescence in the correctness of the statement, *if it were not put forward on his suggestion.* I am quite sure, that I did not, at that period, write him a letter of any description; but, if I did, I here express my entire assent to the publication of that or any *other* letter addressed to him by me. I do not believe I did, because I do not think that there was time, after I heard of his intention to come by Lexington, for a letter from me to reach Nashville, and an answer to be returned, before it was requisite to commence the journey—a punctual attendance on my part being necessary as the presiding officer of the house. If such a letter had been—as most undesignedly it might have been—written, can anything more strongly illustrate the spirit of hostility against me, than the unwarrantable inferences, which have been drawn from that assumed fact? When I left home in November, I did not certainly know the electoral vote of a solitary state in the Union. Although I did not doubt the result of that in Kentucky, the returns had not come in, and the first authentic information which I received of the vote of any state, was that of Ohio, which reached me on the Kanawha, during the journey, more than two hundred miles from my residence. Whether I would be one of the three returned to the house of representatives, was not ascertained, until more than three weeks after I had reached Washington. Is it not, then, most unreasonable to suppose, if I had written such a letter, as has been imagined, proposing that we should travel together, that I could have had any object connected with the presidential election? I reached Washington several days before him. Shortly after his arrival, he called to see me, but I was out. I returned the visit, considering it in both instances one of mere ceremony. I met with him but rarely during that session, and always, when I did see him, in company. I sought no opportunities to meet him, for, having my mind unalterably fixed in its resolution not to vote for him, I wished to inspire him with no hopes from me. The presidential election never was a topic, to which the most distant allusion was made by me, in any conversation with him, but once, and that happened at a dinner given by the Russian minister, the late Baron Tuyll, on the 24th of December, 1824. I recollect the day, because it was the birthday of the late emperor, Alexander. About thirty gentlemen composed the party, and among them, Mr. Adams, Mr. Calhoun, General Jackson, and I think, Mr. Macon. Just before we passed from the drawing into the dining-room, a group of some eight or ten gentlemen were standing together, of whom General Jackson and I were a part, and internal improvement—I do not recollect how—became the subject of conversation. I observed to him, in the course of it, that, if he should be elected president, I hoped the cause would prosper under his administration. He made some general remarks, which I will not undertake to state, lest I should do him injustice.

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"After our meeting at Lebanon, ages might have rolled away, and if we both continued to live, I never would have sought the renewal of any intercourse with

versation with Mr. Buchanan, given to the editor of the U. S. Telegraph, in August, 1826, makes Mr. B. say, "*that Jackson should fight them* [the Adams men] *with their own weapons*;" and again, in his letter of September 12, 1827, he *apologizes* for Mr. Buchanan, for having said it. Anyhow, it was manifestly adopted, as a recognised principle, to "fight the Adams-men with their own weapons," it being understood to be *bargaining*. So that, it can not be disrespectful to take them on their own word, especially if their actions agree, whether "the Adams-men" did so or not. They do not pretend to impute this to their opponents on any other ground, than that of rumor; and so far as appears, by their own showing, the rumor was started and circulated by themselves. No evidence has ever yet been adduced, that this rumor was in any mouths but their own, much less that the rumor was founded on any facts. They have, therefore, the just credit, first, of raising the wind, and then of spreading their own sails to the breeze. There was much anxiety, and great activity, in these affairs; and the only persons that appear on the stage are General Jackson and his men. The general represents, that he was passive, in the overtures made to him, and treated them with scorn and indignation; and appeals to Mr. Buchanan as his witness. Mr. Buchanan testifies, that no overtures were made, and that the general treated him very politely. Mr. Buchanan gives a remarkable reason *why*, and *how*, and *when* General Jackson adopted the "erroneous impression"—as Mr. B. calls it—viz., that overtures were made to him. He says: "He [General Jackson] could not, I think, have received this impression, until after Mr. Clay and his friends had actually elected Mr. Adams president, and Mr. Adams had appointed Mr. Clay secretary of state. After these events had transpired, it may be readily conjectured, in what manner my communication might have led him into the mistake. I deeply deplore, that such has been the effect."

This is, surely, an unfortunate witness, who, being summoned into court, to help a party, and being his only help, has not only testified against him in every important particular, and broken down the last prop of his cause, but turns round and tells him, in open court: "Sir, you are demented. You have been made crazy

nim. When he came to the senate, and at the commencement of the next session of Congress, the system of operation decided on, in respect to my friends and me, was one of courteous and assiduous attention. From that, the transition was, to a scheme of INTIMIDATION, of which Mr. Kremer's letter is only a small part of the evidence."

by disappointment. 'I deeply deplore,' that the fact is so!" What does the above statement amount to, less than a declaration of dementation? "He could not have received this impression till *after*," &c. When these events "had *transpired*, it may *readily be conjectured, in what manner* my communication might have led him into this *mistake!*" "*Conjectured—in what manner.*" These are words big with meaning, and no one doubts what the meaning is. Or, if it be equivocal, the only doubt can be, as to which of two meanings is to be ascribed to them—*dementation* or *crime.* Mr. Buchanan leaves it with the public, to determine which. He dare not speak either. He only says: "*It may readily be conjectured, in what manner.*" According to Mr. Buchanan's evidence, there was no warrant for such an impression, arising out of the *conversation* between himself and General Jackson. The conclusion then is, that the result of the election had either turned the general's head, or determined him to start an accusation, which had neither warrant, nor evidence; or rather, to reproduce the Kremer charge, which doubtless had the same origin with this—not to say, that it was under the same superintendence.

It is not supposed, that Mr. Buchanan really intended to deal thus severely with General Jackson. But what could he do? He must justify his contradiction, and give a plausible reason for "this erroneous impression," "this mistake." He certainly did hit upon a plausible, and doubtless the true reason, probably in the hope, that this covert mode of expression, which requires some thought fully to apprehend it, would not be seen through, either by the general, or by the public; at least, that much of its force would be abated. It is unquestionably the greatest severity that could be invented—a killing, annihilating blow. What of the general's position, in his address to the public, of the 18th July, remained after this?

But Mr. *Buchanan's* position, in this affair, claims attention. General Jackson no doubt supposed he was not in error, as to his recollection of Mr. Buchanan's having proposed to "fight such intriguers with their own weapons." That circumstance, in his view, might justly be taken, as a strong symptom, that he was not altogether unqualified for the present emergency. It now became necessary for him to support his letter to Carter Beverley, as it was before the public; there was no time to get up a new understanding; would not the man, who had proposed "to fight such intriguers with their own weapons," come up to the present crisis,

and answer all his purposes? He must risk it anyhow, and he did. But Mr. Buchanan had something more to fear, than the contingent effects of disappointing General Jackson, or the simple *suggestion* of "fighting such intriguers with their own weapons." He had more need of a shield against *another quarter*, and he was now doomed to sail his bark between Scylla and Charybdis. The address to the public, from the Hermitage, of the 18th of July, was no doubt an astounding one to him. His extreme nervousness is betrayed throughout his answer. At one time, he crawls up, and crouches, as at the foot of a despot, apparently deprecating his lot, to say, "there is no man on earth, whose good opinion I more valued, than that of General Jackson;" at another, "a few remarks, and I trust, I shall have done with this disagreeable subject for ever;" at another, he speaks of "this most unpleasant explanation;" and he solemnly avers, "I never have been the political friend of Mr. Clay, since he became a candidate for the presidency." But this was too well known, to require protestation, though there could be no harm in reminding the lord of the Hermitage of the fact. But Mr. Buchanan understood his position too well, in some personal relations to Mr. Clay, about these matters, not to vindicate him before all the world, and rescue him, so far as his own evidence was concerned, from this atrocious calumny. He had himself made proof of Mr. Clay's virtue!

But the manner, in which Mr. Buchanan drags Mr. Markley upon the stage, and the large space he makes him fill, are worthy of notice. Why introduce him at all? There seems to be no special demand for his appearance. He makes his entrance and exit, with every demonstration of innocence toward all parties, and seems not to have been very earnestly engaged, or very active, about anything, appertaining to this affair. He was absent from Washington, from the 11th or 12th of January till the 30th—during the most exciting time—and "does not recollect, that Mr. Buchanan and himself had any conversation, from the 30th December, till after his return to Washington." It was indeed thought, that, in case of need, they might possibly manufacture *a friend of Mr. Clay* out of Mr. Markley, and make him the bearer of dishonorable overtures from Mr. Clay's friends to General Jackson's friends; and after Mr. Buchanan had disappointed them, and since Mr. B. had made use of him for his own purposes, Major Eaton actually pitched upon him, as "the negotiator." But, though he might be better than nobody at all, for that impor-

tant and indispensable function, yet it seemed rather ridiculous, to foist a man into this position, who had voted for General Jackson "in the democratic caucus of 1824;" who afterward, and to the last, supported him, and voted for him in the house of representatives, February 9th, 1825. It was, in fact, a failure, and to this day, the said bearer of overtures from Mr. Clay's friends to General Jackson's friends, has never been found, unless it be in the person of Mr. Buchanan, as alleged by General Jackson! The part which Mr. Buchanan imposes upon Mr. Markley, as his fellow-laborer in the cause of General Jackson, was unfavorable to the support of this pretension, notwithstanding that Mr. B. in one rather equivocal expression, seems to squint that way. Still more unfortunately for this project of making Mr. Markley a *friend of Mr. Clay*, at that time, Mr. Buchanan makes him say: "Should General Jackson say, that it would *not* be Mr. Adams"—whom he would appoint secretary of state—"it might be of great advantage to OUR cause, for US so to declare, on his authority. WE should then be placed upon the same footing with the Adamsmen," &c. It would not do for Mr. Buchanan to say, that by "OUR," Mr. Markley meant "YOUR," and by "US" and "WE," he meant "YOU," Jackson men; or that he (Mr. B.) *meant* to make Mr. Markley *mean* this. For then comes the absurdity, that a Clay-man is concerting with a Jackson-man, against Adams and Clay!

But Mr. Buchanan had a more important *personal* object, in bringing forward Mr. Markley. He was justly annoyed with that part of General Jackson's missive, of July 18, which put in his mouth the words: "And he [Mr. Buchanan] was of opinion it was right to fight such intriguers with their own weapons." It was certainly an ingenious foil, to bring Mr. Markley into a long conversation with himself, and make *him* say this. It is true, it did not entirely get rid of the difficulty; for he must at least admit, that he *quoted* this expression to General Jackson, and in doing so, *sanctioned*, if he did not *adopt* it. General Jackson manifestly understood him to use the words as his *own*. At any rate, they must have been so earnestly, and so impressively uttered, that the general took them for his own. So Major Eaton understood him, as will be seen in the extract from his letter; and the major adduces the *triple* evidence of his own recollections, on two several occasions, a year asunder, and an actual copy he made of them for the editor of the United States Telegraph—a *quad-*

ruple evidence, indeed, for one copy was sent to Mr. Buchanan himself, in 1826. Mr. Markley says: "If any such expressions were used, I am very certain it was not by me." So that here are three witnesses against *one*, two of them inclined and interested to favor Mr. Buchanan, if they could, while Mr. Buchanan is a party to the question.

The manner, in which Mr. Buchanan introduces Mr. Markley, is remarkable. He seems to feel, that it requires apology. "I feel sincerely sorry, that I am compelled thus to introduce his name." By Mr. Markley's account, Mr. Buchanan "*called* at his [Mr. M.'s] boarding-house, and *commenced*" this conversation, "by stating, that he had great solicitude," &c. But Mr. Buchanan does not choose to let it be known, that he *called* on Mr. Markley, and "*commenced*." He says: "We *got* into conversation, as we often did," on this subject, as if it were *accidental*. Mr. Markley mentions *circumstances;* Mr. Buchanan avoids them. Mr. M. states, that, after Mr. B. had "*commenced*," he "*adverted* to the rumors." Mr. B. says, that Mr. M. "*adverted* to the rumor." This is an important point, *which* of them "called," *which* "commenced," which "adverted." *Circumstances* indicate this, other things being equal. Circumstances show which is active, and which passive. It is manifest, that Mr. Buchanan is chief agent in these transactions—writes the letters, *calls* on Mr. Markley, Major Eaton, and General Jackson. No other person appears to be in motion on these errands. Mr. Buchanan does it all. It is somewhat singular, therefore, that Mr. Buchanan should make Mr. Markley chief speaker; that he should put him forward in the foreground of the picture, refer all things to him, make him utter all the treason, consult him as an oracle, and force him to respond like a prophet; that he should make him say exactly what would be expected from Mr. Buchanan, considering his position, zeal, and activity, in this affair. According to Mr. Markley, Mr. Buchanan himself said that, which Mr. Buchanan ascribes to Mr. Markley. Mr. Markley says with great force: "It is somewhat remarkable, that two years and more should have elapsed, Mr. Buchanan and myself boarding together at the same house, during the last two sessions of Congress," &c., "and yet, *not once*, in all that time, did he ever advert to the conversation, which he has recently thought himself called upon to give, as having taken place between us. . . . . That he should think proper to introduce a *detailed* conversation, in which he makes me say all, and himself little

or nothing—a conversation totally unnecessary for the purpose of sustaining an individual, acting, as he protests, he always acts, on his own authority—does to me, and probably will to the public, seem somewhat unaccountable." If, indeed, Mr. Buchanan did introduce Mr. Markley, for the purpose of making him say, what he himself said—to shuffle off from his own shoulders the responsibility of the proposal "to fight the intriguers with their own weapons," to the shoulders of an innocent man—it was atrocious.

But, whoever was accountable for these words, one thing is clear, that they originated with the *friends* of General Jackson, and were employed ONLY by them; and if Mr. Buchanan's statement is correct, General Jackson himself manifested no offence at the proposal, when used FOR THE RIGHT SIDE. It was the supposed and alleged bargaining on the other side, that offended him. Major Eaton apologizes for Mr. Buchanan's use of these terms: "I considered, that, in his *zeal*, he felt it to be *right* to defend the citadel against unlooked-for assaults, and believed consequently, that the enemy should be met *with their own weapons*." The curious reader may be further instructed, by a careful perusal of these documents, as cited in the lower margin of this chapter.

Almost the entire subject-matter—certainly the structure—of Mr. Buchanan's letter, indicates, that the business in hand, between him and his friend, and between him and General Jackson, as parties interested, acting in concert, *is bargaining on their own account;* and it is a singular fact, that the BASIS of action, proposed by Mr. Buchanan, to the friends of General Jackson, as openly put forth in this document, involves the *principle of bargaining—is bargain inchoate*. "I thought General Jackson owed it to himself, and to the cause in which his political friends were engaged, to *contradict* this report," viz., "that General Jackson had determined, should he be elected president, to continue Mr. Adams secretary of state; *and to declare, that he would not appoint him to that office*." He wrote to "a confidential friend in Pennsylvania, high in office, and exalted in character, and received an answer, which strengthened and confirmed his previous opinion." Here it will be observed, was concert, correspondence, plan—for what end? A reference to Mr. Markley's letter will show:—

"Mr. Buchanan stated, that he had written to, and received a letter from, a mutual friend of ours, in Pennsylvania, on the subject of the presidential election, *and cabinet appointments*. Mr. B. asked, if I had seen Mr. Clay, and whether I had had any con-

versation with him, touching the presidential election. I replied, that I had seen him in the house, but had had no conversation with him on that subject; but said, I was anxious to get an opportunity to have a conversation with him, as I felt great anxiety, that he should vote with Pennsylvania. Mr. B. replied, that no one felt more anxious, *for various reasons*, than he did himself; that it was important, not only for the success of General Jackson's election, that Mr. Clay should go with Pennsylvania, *but on account of his ulterior political prospects—declaring, that he* [*Mr. B.*] *hoped to see Mr. Clay president of the United States*, and that was *another* reason, why he should like to see Mr. Clay secretary of state, in case General Jackson was elected; that, if he were *certain*, that Mr. Clay's views were *favorable* to General Jackson's election, *he would take an opportunity of talking with General Jackson*, or get Major Eaton to do so; that he thought, by doing so, he would confer a particular benefit on the country: *and that he could see nothing wrong in it.*"

What is the obvious thing here proposed? Why, manifestly, *first*, to get Mr. Clay to go with Pennsylvania for General Jackson; *next*, as a *motive*, to insure to him the office of secretary of state, *as the most direct line to the presidency; third*, to ARRANGE the matter with General Jackson; and *lastly*, as it "would confer a particular benefit on the country, he could see nothing *wrong in it.*" Was there ever a more barefaced plan of *bargaining?* And it will be found, that Mr. Buchanan did not fail in his part of duty:—that he tried General Jackson, and tried Mr. Clay!

But there is yet a still more remarkable disclosure, in this statement of Mr. Buchanan, in connexion with General Jackson's statements and conduct. In the general's letter to Mr. Beverley, of June 6, he intimates clearly, that he and Mr. Buchanan were on friendly terms, at the time of, and after the interview of so much consequence: "Therefore, his motives being pure, let me think as I might of the communication, my feelings toward him would remain unaltered." In his address to the public, of the 18th July, he speaks of Mr. B. as "a gentleman of the first respectability and intelligence—of high character and standing."—"The character of Mr. Buchanan with me, forbids the idea," &c. Mr. B. says: "His reply was complimentary to myself"—the reply to the opening of Mr. B.'s errand; and it does not appear, that General Jackson was at all out of humor with Mr. B., after he had made his communication in full: "After I had finished, the general declared, he had not the least objection to answer my question; that he

thought well of Mr. Adams," &c. They seemed to part in mutual good will: "I told him," says Mr. B., "that his answer to my question, was such a one, as I expected to receive, if he answered it at all."

Mr. Clay, in his speech at Lexington, July 12, 1827, on General Jackson's letter of June 6, to Carter Beverley, and before he knew, that the "*distinguished member of Congress*," was Mr. Buchanan, said:—

"If he [the general] had rendered the 'distinguished member of Congress,' a little more distinguished, by instantly ordering him from his presence, and by forthwith denouncing him, and the infamous propositions he bore, to the American public, we should be a little better prepared to admit the claims to untarnished integrity, which the general so modestly puts forward. But, according to his own account, a corrupt and scandalous proposal is made to him; the person who conveyed it, advises him to accept it; and yet that person still retains the friendship of General Jackson, who is so tender of his character, that his name is carefully concealed, and reserved to be hereafter brought forward as a witness! A man, who, if he is a member of the house of representatives, is *doubly infamous*—infamous for the advice which he gave, and infamous for his willingness to connive at the corruption of the body, of which he is a sworn member—is the credible witness, by whom General Jackson stands ready to establish the corruption of men, whose characters are never questioned!"

It is not material to the purpose now in view, that the general's and Mr. B.'s accounts of this interview should agree—they do not agree—but the general understood Mr. B. to propose to "fight such intriguers with their own weapons." This the general bore apparently with good temper. "I then asked him," says Mr. B., "if I were at liberty to repeat his answer," viz., "that he had never said, or intimated, that he would, or would not, appoint Mr. Adams secretary of state. He said I was perfectly at liberty to do so, to any person I thought proper. I need scarcely remark, that I afterward availed myself of the privilege."

It should be observed, that Mr. Buchanan had now obtained exactly what he wanted. He represents himself as having said to Mr. Markley: "I have been thinking, either, that I would call upon the general myself, or get one of his other friends to do so, and thus endeavor to obtain from him a *contradiction* of the report.' He represents Mr. Markley as saying, that such a contradiction "would be of great advantage to OUR cause; that WE should then be placed upon the same footing with the Adams-men, *and might*

fight them with their own weapons." General Jackson had now made the contradiction, "that he had *not* said, or intimated, that he would appoint Mr. Adams," &c., and given leave to use it; and Mr. Buchanan distinctly intimates, that he did use it in good earnest, and to good effect: "*I need scarcely remark, that I afterward availed myself of the privilege.*"

Here, then, is a bargain *consummated*, between General Jackson and Mr. Buchanan, which the general has never, in any form, repudiated, or denied—not even in the missive of July 18. It was the fundamental, the most important, the vital element of Mr. Buchanan's plan. He had not only obtained the authority of General Jackson, that the rumor, which constituted such an impediment in the way of his election, was false; but he had obtained leave of the general, to use that information; and he says, he DID use it. According to his own account—(and General Jackson has never contradicted it)—he had used a long and forcible argument with the general to obtain this information, and the consent to use it. He told the general, that the rumor, that he had said he would continue Mr. Adams secretary of state, "had already probably done him some injury; that he [the general] must *at once perceive* how injurious to his election such a report might be; that, no doubt, there were several able and ambitious men in the country—among whom, I thought, Mr. CLAY might be included—who were aspiring to that office; that, if it were believed he had already determined to appoint his chief competitor, it might have a most unhappy effect upon their exertions, and those of their friends; and that, unless he had so determined, I thought this report should be *promptly contradicted under his own authority.*"

All this, according to Mr. Buchanan's evidence, was said by him to General Jackson, *for a declared object;* and as the general has never contradicted it, it may and should be believed. The object, as averred, was obtained. Neither has that been contradicted. Even Mr. CLAY'S name was mentioned, and no objection to that, so long as it served to help the right side. The plan was all fixed, and the *bargain closed.* "*You are perfectly at liberty to do so.*" The general, it seems, was convinced by the reasoning; and Mr. Buchanan confesses, that he DID "DO SO."

It should be observed, that THIS bargain, and all the bargaining it contemplated, by the agency of Mr. Buchanan and others, was a *different thing* from that, of which General Jackson complains: THIS was to work for HIS advantage; THAT for the advantage of

others; and what is remarkable, THIS included Mr. Clay, as a prospective party. Mr. Clay was *named* in it, and no objection. And what is still *more* remarkable, Mr. Clay WAS ACTUALLY ADDRESSED! General Jackson, who affects to be offended, horrified, at "a proposition of bargain" FROM Mr. Clay, which—according to the evidence of his friend, and sole witness, Mr. Buchanan—existed only in his imagination, or heart and bad purpose, and which, according to Mr. B., was never thought of, even by the general, till after "the events had transpired," which it was alleged to have controlled—manifests perfect complacency in this arrangement between himself and Mr. Buchanan, which contemplates a proposal, "a proposition of bargain," TO Mr. Clay, and lends it his cheerful sanction, his unqualified approbation! "You are *perfectly* at liberty to *do so!*"

Why the general *afterward* became so averse to bargaining, and why he afterward *imagined*, that a different kind of bargain was proposed at that time, has been solved by Mr. Buchanan, with philosophic shrewdness, though, as before remarked, with some severity:—

"He could not, I think, have received this impression, until AFTER Mr. Clay and his friends had actually elected Mr. Adams PRESIDENT, and Mr. Adams had appointed Mr. Clay secretary of state. After these events had *transpired*, it may be readily conjectured, *in what manner* my communication might have led him into the mistake."

But it would seem, that it was a *good while* after "these events," before General Jackson imbibed this "erroneous impression"—as Mr. Buchanan calls it—and before he fell into this "mistake." If that horrible "proposition of bargain" had been made to him, which he alleges in his letter to Mr. Beverley, and afterward iterates in his missive of July 18, "for the honor of the country," of which he appears to be so tender in that address, he should have moved for an investigation in the senate, of which he was a member, when Mr. Clay's nomination to the state department came under consideration, instead of giving it a silent negative. It was his solemn duty. But General Jackson was among the first, who eagerly pressed their congratulations on President Adams, his successful rival. If his charge of *bargain* against Messrs. Adams and Clay were true, and he knew it to be true, how could he thus play the hypocrite, knowing, as he did, that the heart and hands of the president were steeped in such foul corruption? General

Jackson attended the first levee of Mr. Adams as president *elect*, while secretary of state, and told Mr. Niles, of the Register, that "he was *satisfied* with the result." He even went so far, as to confess to Mr. Niles, on that occasion, "that he was not fit for the presidential chair; that he could not get on; that his proper place was at the head of an army;" and so on.—(See Mr. Niles's evidence, next chapter.) On the 10th of February, 1825, the day after his defeat, in the election of Mr. Adams, he was invited, by some of his political friends, to a public dinner at Washington, and declined, giving as his reason, that "any evidence of kindness and regard, such as you propose, might, by many, be viewed, as conveying with it EXCEPTION, murmurings, and feelings of complaint, which, I sincerely hope belong to none of my friends." Are these, and other similar and contemporaneous acts, consistent with a knowledge and conviction of the truth of the charge, which he publicly brought against Messrs. Adams and Clay, in 1827?

It will be observed, from Mr. Buchanan's letter, that he betrays no impression of that great passion, into which General Jackson affects to have fallen, at the alleged offer of bargain, viz., that he would see them all sunk, and sink himself, &c., before he would do it. On the contrary, according to Mr. Buchanan's account, it all went off smoothly, and most amiably. Why? Because, according to Mr. Buchanan, there was no offer of bargain, and because they together, were concerting bargain! Nevertheless, it will not do for Mr. Buchanan to DENY what General Jackson asserts: "I do not recollect, that General Jackson told me I might repeat his answer to Mr. Clay and his friends; though I should be very sorry [afraid?] to say, HE DID NOT." Does not every one see the lurking disbelief of Mr. Buchanan, as to the matter of this passion? "The whole conversation," says he, "being upon a public street, it might have escaped my observation." What! such a storm of the soul, of SUCH a man, pass over unregarded?

CHAPTER XVII.

THE GREAT CONSPIRACY.

Proof of a Negative.—Mr. Clay's Position in the Case.—The Voice of many Witnesses.

It can not but have been observed, that all that is proved on this subject, in the preceding chapters—and it is not small or unimportant—is proved by General Jackson and his friends. And what is it? Not a PARTICLE or SHADE of evidence, to support their charge against Mr. Clay! But something very unexpected is proved. They are caught in their own trap! Their own management, their own talk, their own acts, their own documents, adduced against others, convict themselves! And the more they are examined, the worse they appear. The very crime they charge, is proved to be their own, out of their own mouths! Before a single witness from the other side is called to the stand, not only is the defendant justified, but the plaintiffs are arraigned on their own declaration, and the parties have changed their relative positions! The conspirators are henceforth doomed to act on the DEFENSIVE; and it is not a little singular, that they have been thrust into this predicament by their own acts, as ACCUSERS!

It may not, however, be amiss, though no rules of justice can lawfully require it, to show what can be done in the PROOF OF A NEGATIVE. Innocent persons have sometimes been saved from unjust charges, by proof of an ALIBI, when they must otherwise have fallen. But it is not always that innocence escapes by such good fortune. The same is the effect of being able to prove a NEGATIVE, though neither law, nor justice, imposes the obligation. It is sometimes, however, the doom of necessity. Happily, in the case of the conspiracy now under consideration, there is NOW no necessity for it, inasmuch as the conspirators have so far disagreed, and managed their several parts with so little skill, that it was im

possible they should not be ultimately exposed, though successful in accomplishing their main and original design.

The public have hitherto seemed to be satisfied with the result, that General Jackson and his coadjutors entirely failed to prove what they had alleged; but it was not even thought, that they had actually convicted themselves of the crime which they endeavored to fasten on innocent persons. Not anticipating these disclosures—before, indeed, all these materials of evidence for the conviction of the conspirators, had transpired—the importance of the subject, arising from the baseness and diabolical character of the plot, as well as from the extent of its influence, seemed to require the proof of a NEGATIVE. Much of this species of evidence has, indeed, gradually transpired, from time to time, uninvoked—enough, amply sufficient, for the purpose. It was obvious, that nothing more was required, to establish a negative, than an appeal to those members of the western delegations, in the house of representatives, who voted with Mr. Clay for Mr. Adams, and secured his election. When the accusers refused to face the witnesses in court, on whose evidence the proof of their charges solely depended, it became necessary for Mr. Clay to bring them forward. Their evidence must be credible, from three valid considerations, independent of each other. *First*, they were, individually and collectively, *men of honor*, having not only the confidence of the public, but of their political opponents, as witnesses on this, or any other matter. The reader, probably, will not have forgotten the incidental evidence of Mr. McDuffie, in a former chapter, as to the character of these gentlemen, his political opponents: "There are no members on this floor, for whom, generally, I feel more respect. . . . Next to my own personal friends, there are none whom I estimate more highly;" and this was said while the charge was pending before the house. *Second*, it was not credible, that they could have been induced, *en masse*, to barter their fidelity as public servants, and their honor as individuals, for the sole benefit of Mr. Clay. *Third*, it was much more incredible, and utterly inconsistent with the known principles of human nature, and all the rules of moral evidence, that they should unanimously agree in *falsifying themselves*. Such a thing was never known.

But, before proceeding to adduce this species of evidence, in proof of a negative, it may be proper to put in front of the whole the POSITION of Mr. Clay himself, which renders the charge perfectly absurd. He was accused of aspiring to the office of secre-

tary of state, and of bargaining for it! The statesman who had declined a seat in the senate of the United States, to be a commoner in the lower house; who, the first day that he took his seat there, and at the first ballot, was placed at the head of that body, who continued at the head of it, by biennial election, from 1811 to 1825, without a rival, and was at that moment in the possession of that high dignity; who would have been placed by Mr. Madison at the head of the armies of the United States, in the war of 1812, if he could have been spared from the councils of the nation; who declined successively the mission to Russia, and the war department, tendered to him by Mr. Madison; who again declined the war department, the office of minister to the court of St. James, and all other foreign missions, out of which he had his choice, under Mr. Monroe;—the statesman, who, as everybody knew, and who could not himself but know, whoever came to power, would have the first offer of the first place, or of any place he might choose, if it were possible for him to choose one; who had been a candidate for the presidency, and who, if he had not been defrauded in Louisiana, and cheated in New York, would have been returned to the house of representatives in 1824, and elected president on the 9th of February, 1825;—the statesman, who was decidedly the favorite of the nation in any fair field, and whose talents had acquired for him a world-wide fame; who had never sought office, but whom office always sought;—SUCH was the man, who was accused of selling his own vote as a representative of the people, and bargaining away the votes of other representatives, for the office of secretary of state!—an office to which he must DESCEND, to fill it—which could not elevate him, but which would be itself elevated by such an incumbent. A man, whose honor was unsullied, accused of the foulest stain, without a motive! If a man would sell his soul, it must be supposed that he has an object, which he, at least, thinks worthy of the sacrifice. If he is to be set bargaining for place, an offer should be made that is equal to the price of his honor and fair fame.

Soon after the Fayetteville letter appeared, in the spring of 1827, a circular was addressed to all those members of the house of representatives, who voted with Mr. Clay for Mr. Adams, in 1825, and who constituted the corps then designated "Mr. Clay's friends," by General Jackson and his friends, and also to other wit

nesses, at their respective residences, in different states of the Union, requesting them to communicate all they *knew* and *believed* in regard to this matter. The points of the circular, to which answers were requested, were expressed in the following words: "If such a proposition [of bargain] were ever made by the friends of Mr. Clay to those of General Jackson, it must have been known to many persons, and the fact, therefore, may be ascertained. May I ask the favor of you to inform me, whether you know, or believe, any such proposition was ever made? Or, whether conditions of any sort were made by the friends of Mr. Clay to any person, on a compliance with which their vote was made to depend?" These points of inquiry are important to be observed, in reading the evidence, as the answers in full are not given here; but only extracts on these points.

The answers to these inquiries, with other documents containing evidence which transpired from time to time, will, with a few exceptions, be found at length, in *Niles' Register*, vol. xxxiii., pp. 296 to 314, and vol. xxxiv., pp. 306 to 312. A sufficiency of extracts from these documents, to answer all the purposes of truth, and a conviction thereof, is placed in the lower margin, at the head of which appear ALL the witnesses, who alone could establish the charges of the conspirators, if there had been any foundation for them. The request was unexpected, and they all wrote from their own domicils, in different parts of the country, entirely independent of each other, and without any possibility of concert. The harmony of their evidence, therefore, is the more remarkable and convincing.*

* The Hon. DUNCAN MCARTHUR, of the Ohio delegation, May 18, 1827, says: "The fact is, that the Ohio delegation—at least a large majority of them—were the first of Mr. Clay's friends, who came to the determination of voting for Mr. Adams, and that too, without having ascertained Mr. Clay's views on the subject. The language of some of the friends of the general, before the election, was, that the friends of Mr. Clay *durst not* vote for any man, other than General Jackson. This was often repeated, in a menacing manner. But, it is also true, that others of the general's friends used, what they no doubt conceived, more *persuasive* language. Indeed, they appeared to be willing to make any promises, which they thought would induce the friends of Mr. Clay to vote for General Jackson."

The Hon. JOSEPH VANCE, of the Ohio delegation, July 12, 1827, says: "As one of the original friends of Mr. Clay, I was in the habit of free and unreserved conversations, both with him and his other friends, relative to that election, and I am bold to say, that I never heard a whisper of anything like a condition, on which our vote was to be given, mentioned, either by Mr. Clay himself, or any of his friends, at any time, or under any circumstances." Mr. Vance was out of the state, when the circular was first received, and answered it immediately on his return.

The Hon. P. BEECHER, of the Ohio delegation, May 21, 1827, says: "I do not know, that a friend, or friends, of Mr. Clay, ever made any proposition to the friends of General Jackson, respecting the election of Mr. Adams, as president, in

The statements below, as far as that of the Hon. Mr. Brent, of Louisiana, include the names of *all* the members of the house of representatives, whose constituency, in their collective capacity,

any way; or as respecting General Jackson not putting Mr. Adams into the seat of secretary of state, in case he, Jackson, should be elected president. Neither am I acquainted with a friend of Mr. Clay, that would consent to be an agent in such a degrading transaction. Nor can I admit, that the friends of Mr. Clay had so contemptible an opinion of each other, or of Mr. Clay, as to suppose, that the appointment or non-appointment of any man to any office, would influence them in the discharge of an important public duty."

The Hon. J. SLOANE, of the Ohio delegation, May 9, 1827 says: "That any of the friends of Mr. Clay, in Congress, ever made any proposition of conditions, on which their votes would depend, to the friends of General Jackson, or any other person, I do not believe. . . . As to Mr. Clay's accepting any appointment under him [General Jackson], they [the friends of Mr. Clay] would most certainly have opposed it. It was not until some time after the choice of Mr. Adams, that they agreed to advise Mr. Clay to accept of the office he now holds. . . . If the disposition of General Jackson could have been judged of by the *importunity* of some of his congressional friends, I should have supposed, that a proposition of the kind mentioned, would have been instantly closed with; but no such propositions were ever made by the friends of Mr. Clay, and none such would have been accepted by them. I feel confident, that the whole is a vile and infamous falsehood, such as honorable men would not resort to, more especially after having, upon full consultation and deliberate consideration, declined an investigation of the whole matter, before a committee of the house of representatives."

The Hon. J. C. WRIGHT, of the Ohio delegation, May 6, 1827, says: "I can only say, sincerely and unequivocally, that I do not know or believe, that any proposition of the kind mentioned, was ever made to the friends of General Jackson, by the friends of Mr. Clay, or any of them; and that I am wholly ignorant of any conditions, of any sort, being proposed to any one, by the friends of Mr. Clay, on a compliance with which their votes were made to depend."

The Hon. SAMUEL F. VINTON, of the Ohio delegation, May 27, 1827, says: "Having been one of the friends of Mr. Clay, who voted for Mr. Adams, I cheerfully avail myself of this opportunity to say, that I have no knowledge whatever of the abovementioned proposition, or any other proposition, having been made to General Jackson, or any of his friends, by Mr. Clay, or any of his friends, as a condition upon which his or their vote was to be given to General Jackson for the presidency. . . . It was well known to my constituents, for many months previous to the late presidential election, that, after Mr. Clay, Mr. Adams was my next choice."

The Hon. WM. MCLEAN, of the Ohio delegation, May 18, 1827, says: "No such proposition was ever made, within my knowledge, nor have I any cause to believe, that conditions, of any sort, were made, at any time, by the friends of Mr. Clay, to any person, on a compliance with which their vote was made to depend."

The Hon. E. WHITTLESEY, of the Ohio delegation, May 12, 1827, says: "I do not know, or believe, that any proposition was ever made by any of Mr. Clay's friends, to those of General Jackson, on the morning of the presidential election, or any other time, having any bearing on the candidate to be selected from the three returned to the house; nor do I know or believe, that any conditions, of any sort, were proposed by the friends of Mr. Clay, to any person, 'on a compliance with which their vote was made to depend;' but I do believe, that the assertion made by General Jackson, as reported by 'a highly-respectable Virginian,' and all the charges of a like character, imputing, either to Mr. Adams or to Mr. Clay, or to their friends, any improper, inconsistent, corrupt, or fraudulent conduct, on that interesting and momentous occasion, are base slanders, known to be such, by those who put them in circulation."

The Hon. M. BARTLEY, of the Ohio delegation, May 24, 1827, says: "In justice to the general, I will say, that I do not believe he ever made the declaration alluded to by the writer of said letter [the Fayetteville letter], for the general was there when the election took place, and must inevitably have known, that such a statement would carry falsehood on the very face of it. . . . I was in the house, I believe, every day of that session, at which the president was elected,

were the *political* friends of Mr. Clay, in the presidential campaign of 1824, and who, with Mr. Clay, voted for Mr. Adams, the 9th of February, 1825, for president of the United States. The en-

and have no hesitation in saying, that, so far from making any proposition, or overture, were the friends of Mr. Clay, in favor of the general, that, had the friends of the general made such a proposition, we would have considered it as an indignity offered to our integrity and understanding."

The Hon. JOHN PATTERSON, of the Ohio delegation, May 9, 1827, says: "I frankly state to you, that, if any such proposition as you state, was made by the friends of Clay, to those of General Jackson, I had no knowledge of it; and I was one of the friends of Clay. I therefore believe the report to be without an honest foundation."

The Hon. DAVID TRIMBLE, of the Kentucky delegation, did not answer the circular, till the 12th of August, 1827, having been absent. He says: "I do not know, of my own knowledge, nor have I been informed by others, that offers, propositions, or overtures, such as are spoken of by General Jackson, in his letter to Mr. Beverley [of June 6th], or similar thereto, or of any kind whatever, were made by Mr. Adams or his friends, to Mr. Clay or his friends; or by Mr. Clay or his friends, to General Jackson or his friends. I do not know, nor do I believe, that Mr. Adams, or his friends, made overtures or offers, directly or indirectly, to Mr. Clay or his friends, to make him secretary of state, if he and his friends would unite in aid of the election of Mr. Adams; nor do I know, or believe, that any pledge, or promise, of any kind, was made by Mr. Adams or his friends, to Mr. Clay or his friends, to procure his aid in the election. I never heard from Mr. Clay, or any of his friends, or any one else, that he was willing to vote for General Jackson, if the general would say, or any of his friends for him, that Mr. Adams should not be continued secretary of state; nor do I know or believe, that Mr. Clay ever expressed a willingness, or any of his friends for him, to support or vote for General Jackson, if he could obtain the office of secretary of state under him. I do not know, nor do I believe, that any overtures or offers of any kind, were made by Mr. Clay or his friends, to Mr. Adams or his friends, to vote for him, or support him, if he would make Mr. Clay secretary of state; or to General Jackson or his friends, to vote for him or support him, if he could obtain the office of secretary of state under him; nor do I believe, that Mr. Clay would have taken office under him, if he had been elected."

The Hon. F. JOHNSON, of the Kentucky delegation, May 23, 1827, says: "I have no hesitation in answering your inquiries. You say, 'If such a proposition were ever made by the friends of Mr. Clay to those of General Jackson, it must have been known to many persons, and the fact, therefore, may be ascertained. May I ask the favor of you to inform me, whether you know or believe any such proposition was ever made? Or, whether conditions of any sort were made by the friends of Mr. Clay to any person, on a compliance with which their vote was made to depend?' To the first branch of the inquiry, my answer is, that I have no knowledge of any such proposition, nor do I believe any such was ever made. To the second, I answer that I neither know, nor do I believe, that any 'conditions, of any sort, were made by the friends of Mr. Clay, to any person, on compliance with which their vote was made to depend.'"

The Hon. THOMAS METCALF, of the Kentucky delegation, having been absent to Mississippi, returned to answer the letter to him, June 12, 1827. He says: "I have to state, that I never heard or thought of such a proposition, until the letter of the 'highly-respectable Virginian' appeared in the public prints. As one of the friends of Mr. Clay, I enter the most solemn protest against the right of the general, through his organ, the 'highly respectable Virginian,' or otherwise, to say, that I would have assisted in making him president, on the conditions stated. On the contrary, if I could have been made to believe, that General Jackson would not have *offered* to Mr. Adams the place which he had filled with so much ability under Mr. Monroe, that belief would have constituted in my mind a strong additional objection to the general's success. If it is intended to impose the belief, that Mr. Clay's friends were desirous of obtaining that appointment for him, to the exclusion of Mr. Adams or otherwise, under General Jackson—as ONE of his friends, I pronounce it a base and infamous assault upon the motives and honor, so far as I am concerned or believe, of those who did not choose to support him for

tire *corps* of "the friends of Mr. Clay," who were cognizant of all the facts of the case, have, therefore, here given in their evidence, *as men of honor*. Will it be said, they were interested? And

the presidency. In reply to your second inquiry, I have to say, that, if conditions of any sort were ever made by the friends of Mr. Clay, 'to any person, on a compliance with which their vote was made to depend,' I know nothing of it."

The Hon. R. P. LETCHER, of the Kentucky delegation, did not receive the letter, to be able to answer it, till June 26, 1827. He says: "I know of no such proposition, or intimation, nor have I a knowledge of any fact or circumstance, which would induce me to believe Mr. Clay's friends, or any one of them, ever made such a proposition to the friends of General Jackson."

The Hon. RICHARD A. BUCKNER, of the Kentucky delegation, May 26, 1827, says: "In answer to your inquiries on this subject, I will remark, that I have no reason to believe, that any such proposition was made. Indeed, no proposition, of any description, relating to the election of president, was made, so far as I know or believe, by Mr. Clay's friends to those of General Jackson, or of any other person."

The Hon. DAVID WHITE, of the Kentucky delegation, in an *address to the public*, dated, February 17, 1828, comes out in support of General Jackson, though he voted with Mr. Clay and his friends in February, 1825, for Mr. Adams. He says: "Any opposition I may offer to the reëlection of Mr. Adams, grows out of circumstances foreign from, and entirely unconnected with, his late election by the house of representatives. . . . So far as I have been implicated, in connexion with my late colleagues, in the alleged management, bargain, sale, &c., I plead conscious innocence. That my colleagues, or either of them, were guilty of the charge, can not be established by me. I know of no impropriety of conduct, or impropriety of motive, on the part of either of them, which would authorize me to attach to either of them the least criminality." This, as will be seen, is from one of the supporters of General Jackson in 1828.

The Hon. P. THOMPSON, of the Kentucky delegation, answered the inquiry, June 19, 1827. He says: "I know of no proposition made by the friends of Mr. Clay, to the friends of General Jackson, to make him president, if he would not select Mr. Adams for the seat of secretary, and I do not believe a proposition of any kind was made, and I expect if the friend of the general should ever speak on this subject, he would be a second Kremer."

The Hon. JOHN SCOTT, of Missouri, under date of August 2, 1827, in answer to the inquiry, says: "Neither Mr. Adams, nor his friends, ever made any promises or overtures to me, nor did they hold out to me any inducements of any sort, kind, or character whatever, to procure me to vote for Mr. Adams. Nor did Mr. Adams, or any of his friends, ever say, or intimate, who would be placed at the head of the department of state, or any other department, in the event, that Mr. Adams should be elected, nor do I believe any propositions were made to Mr. Clay or his friends, by Mr. Adams or his friends. If there were, I know it not. . . . I never made to General Jackson, or to any of his friends, any proposition, in reference to the presidential election, either as regarded the appointment of Mr. Clay, or any other person to office, or the exclusion of Mr. Adams, or any other person from office. I was never spoken to by Mr. Clay, or any of his friends, about making any proposition to General Jackson or his friends, of any kind whatever; nor did I ever hear it insinuated, or hinted, that any proposition was made, or intended to be made, by Mr. Clay, or his friends, to General Jackson, or his friends, or to any other candidate or his friends, for or relating to the presidency, and I do believe, had any proposition been made, or been intended to be made by Mr. Clay, or his friends, from my intimacy and constant intercourse with them, I should have known or heard thereof."

As the state of Missouri was at that time entitled to only one representative in the house, Mr. Scott constituted the whole delegation, and spoke for it. Hence the peculiar character of his evidence.

The Hon. H. H. GURLEY, one of the delegates from Louisiana, in his answer of July 17, 1827, says: "I have no knowledge of any propositions having been made by the friends of Mr. Clay, or any of them, to the friends of General Jackson, or to any other person, in relation to the election of president, or the proposition of

shall crime be permitted to triumph, by a concession of its right to impeach witnesses, without evidence? Shall the murderer be dismissed from court, without sentence, because he chooses to say, that they who saw him commit the deed, are guilty of the same crime, and are therefore disqualified as witnesses? Such a monstrous principle will doubtless be treated as it deserves.

But there is a great mass of other *negative* evidence, of an incidental, yet important character, some parts of which claim a notice here. They relate chiefly to Mr. Clay's permanent and uniform preference of Mr. Adams over General Jackson, as disclosed in conversations and letters, at sundry times, from and to sundry individuals. They will be found below.*

conditions of any sort, 'on a compliance with which their vote was made to depend.' I believe the charge wholly destitute of truth."

The Hon. Wm. Brent, another delegate from Louisiana, in a letter of the 5th June, 1827, says: "In allusion to the Fayetteville letter, I can not express the indignant feelings it excited. It is the fabrication of a desperate man, who, to obtain his object, dares to assert what he knows to be false. You ask me to say, whether I know or believe, that such a proposition was ever made, or whether conditions of any sort were proposed, by the friends of Mr. Clay, to any one, 'on the compliance with which their vote was made to depend.' No honorable man can believe for a moment, that such a proposition was ever made, or such a condition stipulated. I was a friend of Mr. Clay throughout the contest; I was in the confidence of all his friends; and I declare to God, that I never heard of such things, until it was asserted by the disappointed adherents of General Jackson. I am not only ignorant of any such arrangements, but do not believe they ever existed."

*The Hon. David Trimble, in the same letter before quoted from, for his evidence as one of the Kentucky delegation in the house of representatives, says: "I met with Mr. Clay at Frankfort, Kentucky, about the first of October, 1824. He [Mr. Clay] said, that he could not, consistently with his principles, vote for General Jackson, under any possible circumstances. . . . I made some reference to the supposed difference of opinion between himself and Mr. Adams, about the treaty of Ghent. He said, in reply, that it had been greatly magnified by the friends of his competitors, for electioneering purposes; that it ought to have no influence in the vote which he might be called upon to give; that, if he was weak enough to allow his personal feelings to influence his public conduct, there would be no change in his mind on that account, because he was then upon much worse terms with General Jackson about the Seminole war, than he could ever be with Mr. Adams about the treaty of Ghent; but that, in the selection of a chief magistrate for the Union, he would endeavor to disregard all private feelings, and look entirely to the interests of the country, and the safety of its institutions. I should have thought strange of it, if Mr. Clay had voted for General Jackson, after saying what he did."

Col. James Davidson, treasurer of the state of Kentucky, in a letter to Mr. Clay, of October 20, 1827, among other things, says: "During a visit you made to this place [Frankfort], in the fall of 1824, you said: '*I can not conceive of any event, that can possibly happen, which would induce me to support the election of General Jackson to the presidency. For, if I had no other objection, his want of the necessary qualifications, would be sufficient.*' Your remarks made a strong and lasting impression on my mind; and when the resolutions, instructing our senators, and requesting our representatives, in Congress, to vote for General Jackson, were under discussion in the house of representatives, I informed several of my friends, that I had had a conversation with you, on the subject, to which the resolutions referred, and that I was convinced you would not support the general; and to George Robertson, Esq., late speaker of the house of representatives of this state, I gave the substance of your remarks to me, and he concurred with me

As time advances, and as the passions of those concerned in the origination, and interested in the defence and support of this conspiracy, die away, by their own exit from the stage of human life,

in opinion, that you could not, consistently, under any circumstances, vote for the general; and when the resolutions, above mentioned, were before the senate (in which I then had the honor of a seat), I opposed them, and among other views I then took, I stated to that body, that all the resolutions we could pass during the whole session, would not induce you to abandon what you conceived to be your duty, and that I knew you could not concur with the majority of the legislature on that subject."

The Hon. JOHN J. CRITTENDEN, in a letter to Mr. Clay, dated September 3, 1827, says: "Sometime in the fall of 1824, conversing upon the subject of the then pending presidential election, and speaking in reference to your exclusion from the contest, and to your being called upon to decide and vote between the other candidates, who might be returned to the house of representatives, you declared, that you could not, or that it was impossible for you to, vote for General Jackson, in any event. . . . My impression is, that this conversation took place at Captain Weisiger's tavern, in this town [Frankfort], not very long before you went on to Congress, in the fall preceding the last presidential election; and that the declaration made by you, was elicited by some intimation that fell from me, of my preference for General Jackson over all other candidates except yourself."

The Hon. J. S. JOHNSTON, senator from Louisiana, in a letter to Mr. Clay, dated Washington, November 17, 1827, says: "I met you, for the first time, on your return to Washington, in December, 1824, on the Saturday or Sunday evening previous to the meeting of Congress, and at that time we had a long and free conversation, on the approaching election. I said it was still uncertain, whether you would receive the vote of Louisiana, and be returned as the third candidate. I expressed to you some solicitude about the election; . . . that for the character, as well as the tranquillity, of the country, it was desirable that we should pass through it safely. You replied, that you would not permit the country to be disturbed a day on your account; that you would not allow your name to interfere with the prompt decision of the question by the house. I said, if it becomes necessary, the country has a right to expect, and will expect, that of you. . . . I remarked to you, that, in all probability, the contest would be finally reduced to Mr. Adams and General Jackson, and the conversation turned upon their comparative merits and qualifications, and a long discussion ensued. You drew a parallel between them, in a manner I thought very just and respectful to both. You concluded by expressing a preference for Mr. Adams, which turned principally on his talents, and experience in civil affairs. . . . No fact ever came to my knowledge, that could, in the slightest degree, justify the charge, that has been exhibited. On the contrary, I *know*, that your opinion did not undergo any change, from the time I first saw you, on your return to Washington."

The Hon. D. BOULIGNY, senator from Louisiana, in a note to Mr. Clay, of December 8, 1827, says: "I distinctly recollect, that, on the 20th of December, 1824, which was the day of my arrival here [at Washington], from the state of Louisiana, to take my seat in the senate of the United States, I called on you the same evening, and in the course of a conversation, in which I informed you that you had lost the vote of Louisiana, I desired to know, whom you intended to vote for as president. You then told me, without any hesitation, that you would vote for Mr. Adams, in preference to General Jackson."

The Hon. JAMES BARBOUR, secretary of war, under Mr. Adams, gave the following certificate, dated Washington, August 14, 1827: "I certify, that, in the early part of the session of Congress, '24–'5, I dined at the Columbia college, with General Lafayette, Mr. Clay, and others. On returning from that dinner to town, Mr. Clay and myself—there being no other person with us—came in the same hack. During the ride, our conversation turned on the then pending presidential election. I expressed myself, in the event of the contest being narrowed down to Mr. Adams and General Jackson, in favor of Mr. Adams; *and Mr. Clay expressed a coincidence of opinion.*"

GENERAL LAFAYETTE, in a letter to Mr. Clay, dated La Grange, October 10, 1827, says: "Blessed as I have lately been, with the welcome, and conscious, as it is my happy lot to be, of the affection and confidence, of all parties, and all

the public, the world, will become more and more amazed, at the anomalous position of the parties, judicially considered, during the period comprehended in the inception, hatching, ripening, execu-

men in every party in the United States—feelings, which I most cordially reciprocate—I ever have thought myself bound to avoid taking any part in local or personal divisions. Indeed, if I thought, that, in these matters, my influence could be of any avail, it should be solely exerted to deprecate—not, by far, the free republican, and full discussion of principles and candidates—but those *invidious slanders*, which—although they are happily repelled by the good sense, the candor, and, in domestic instances, by the delicacy of the American people—tend to give abroad incorrect and disparaging impressions. Yet, that line of conduct, from which I must not deviate, except in eminent cases now out of the question, *does not imply a forgetfulness of facts, nor a refusal to state them occasionally.* My remembrance concurs with your own on this point;—that, in the latter end of December, either before or after my visit to Annapolis, you being out of the presidential candidature, and after having expressed my abovementioned motives of forbearance, I, by way of a confidential exception, allowed myself to put a simple, unqualified question respecting your *electioneering guess*, and your intended vote. Your answer was, that, in your opinion, the actual state of health of Mr. Crawford, had limited the contest to a choice between Mr. Adams and General Jackson; that a claim, founded on military achievements, did not meet your preference; *and that you had concluded to vote for Mr. Adams.* Such has been, if not the literal wording, at least the precise sense, of a conversation, which it would have been inconsistent for me to carry further, and not to keep a secret, while a recollection of it, to assist your memory, I should not now deny, not only to you, as my friend, but to any man *in a similar situation.*"

By the National Intelligencer, it appears, that General Lafayette went to Annapolis on the 16th of December, and returned on the 21st. Mr. Bouligny, as above, informed Mr. Clay, on the 20th, that he was "out of the presidential *candidature*," as General Lafayette calls it. Mr. Clay called on General Lafayette immediately after his return from Annapolis, and as the news from Louisiana had just arrived, and was of great interest, it is supposed this conversation took place at this time—a day or two before Christmas.

General CALL, delegate to Congress from Florida, was an intimate and ardent friend of General Jackson. They travelled together on their journey to Washington, in the fall of 1824, as appears from a letter from General Jackson to Major Eaton (Niles's Register, vol. 28, p. 66). They made a stop at Rockville, Maryland, about seventeen miles from Washington, where General Call engaged in conversation with several gentlemen, on the approaching presidential election; of whom, John Braddock, Esq., the author of the following certificate, was one:—

"ROCKVILLE, MONTGOMERY COUNTY [MD.], *November* 3, 1827.

"In the fall of the year 1824, I saw General Call, and several other gentlemen, members of Congress, on their way to Washington, at a tavern in Rockville. They were conversing on the subject of the presidential election, and when the vote, which Mr. Clay would probably give, was spoken of, General Call declared, that the friends of General Jackson did not expect Mr. Clay to vote for them; and if he did so, it would be an act of duplicity on his part.

"JOHN BRADDOCK.

"In stating the declaration of General Call, on the subject of Mr. Clay's vote, I have omitted an *expletive*, which should have been introduced before the word *duplicity*. Save that, the foregoing is literally his language. "J. B."

GEORGE ROBERTSON, Esq., of Lexington, Kentucky, since chief justice of the state, in a note to Colonel Davidson, dated December 17, 1827, says: "In frank conversation with him [Mr. Clay], in September, 1824, I understood distinctly, that nothing could ever induce him to aid in or approve the general's election."

C. S. TODD, Esq., of Shelby, Kentucky, in a note to Mr. Clay, of February 18, 1828, speaking of a conversation held early in November, 1824, between Mr. Clay, himself, and his father, at Frankfort, says: "The whole conversation impressed on my mind the firm conviction, with which you seemed to be animated, that you could not, nor ought to, vote for General Jackson, under any circumstances whatever."

tion, and protracted sustentation, of this plot. That the *accusing* party, occupying such a high social standing, in a great community, professing to be governed by law and justice, should *presume*,

D. VERTNER, Esq., in a letter to the Hon. J. S. Johnston, dated Fort Gibson, January 10, 1828, says: "When on a visit to Kentucky, early in the month of August, 1824, I dined at a friend's house, in company with Mr. Clay and several other gentlemen. After dinner, the conversation turned on the then approaching presidential election, which elicited from Mr. Clay the following remarks, in substance—that, if the house of representatives had to decide the election, there was very little doubt in his mind as to the result. He pronounced his objections to General Jackson with great decision and force. Had Mr. Clay afterward voted for General Jackson, I should have been compelled to assign him some motive other than the public good."

A. W. WOOLEY, Esq., also of Fort Gibson, in a letter to the Hon. J. S. Johnston, of January 9, 1828, says: "In the fall of the year 1824, sometime previous to the departure of Mr. Clay from Lexington, I had the pleasure to dine with Mr. Clay, at his own house, with a number of gentlemen. Various observations were made in opposition to the pretensions of General Jackson. Mr. Clay remarked, that he felt no apprehension whatever from the election of General Jackson, as, beyond a doubt, it would be decided by the house of representatives, he could not for a moment believe, they would elect the general in preference to Mr. Adams."

B. S. FORREST, Esq., of Rockville, Maryland, in a letter from that place, November 4, 1827, says: "Late in the autumn of 1824, I met with Colonel Benton, and General Beecher, members of Congress, at Dawson's tavern, in Rockville, on their way to Washington. Colonel Benton declared, *it was impossible, that Mr. Clay should vote for General Jackson.*"

"WASHINGTON CITY, *December* 7, 1827.

"SIR: Your letter of the 19th ultimo, covering the Lexington Virginia Intelligencer of that date, has been duly received, and in answer to the inquiries you put to me, I have to state, that the article to which you invite my attention, is substantially, not verbally, correct, so far as it represents me as saying, that I was informed by Mr. Clay, in the fore part of December, 1824, that he intended to vote for Mr. Adams. . . . I left Washington about the 15th of December, and had received the information from Mr. Clay before I set out. . . . No one ever asked my leave to publish what I said. If any one had, the authors of the publication in the Lexington paper, might have been spared an office, which must have been inexpressibly painful to their honorable feelings, as I should not have refused to the administration any testimony in my power to give, notwithstanding the character of the war which the great body of their forces are carrying on against me.

"THOMAS H. BENTON."

The Hon. WILLIAM PLUMER, of New Hampshire, afterward governor of the state, in a document, dated Epping, N. H., March, 18, 1828, says: "At the time of the late presidential election, I had the honor of a seat in the house of representatives. With the friends of the several candidates, my intercourse was constant, intimate, and extensive. I can safely declare, that the results of all my inquiries, in respect to Mr. Clay, was a conviction, that in this difficult and delicate juncture, his conduct was distinguished by purity of motive, by a deep sense of public duty, and great prudence and discernment in the course proper to be pursued. In his high office as speaker of the house, he seemed anxious to preserve his usual impartiality between the conflicting parties. . . . With respect to his friends (by whom I mean the members of Congress from those states which had voted for him as president), it appeared to me, that, generally speaking, their attachment was not to Mr. Clay as an individual merely, but as a public man—as a statesman, whose general views of policy were in accordance with their own. . . . I was told by one of the Ohio members [Mr. M'Arthur], that they [the Ohio delegation] had come to the determination to vote for Mr. Adams, before they had ascertained what would be Mr. Clay's course. . . . It was my practice, while a member of Congress, to note down, at the close of each session, in a journal which I kept for that purpose, whatever occurred to me of an inter-

should *dare*, to bring such a charge, without a shadow of evidence. without any expectation of being able, without even a design, to support it—with a fixed plan to *avoid* supporting it—will be a sub-

esting nature, during the session that had just closed. The following extract from this journal, is under date of June, 1824, and was written by me immediately on my return from Washington :—

" 'I spoke but twice this session to Mr. Clay, on this subject. The first was on the *caucus*, against which he declared himself; but proposed to be governed, in this whole matter, by his friends' advice. The other conversation related to General Jackson. It was soon after Pennsylvania declared for the general, and when he seemed, for the moment, to carry all before him. He spoke with equal truth and feeling on this subject. He said it was truly discouraging to see the people so intoxicated and deluded by a little military glory—that a man, totally unknown to the civil history of the country—who knew nothing of the constitution or laws of the land—and who, in short, had no other recommendation, than that which grew out of his fortunate campaign at New Orleans—should be thought of for president of the United States, and even preferred to all others; at a time, too, when some of the ablest men the country had ever produced—he did not mean, he said, to include himself in the number—men, who had grown gray in the civil departments of the government, in Congress, in diplomatic missions, and in the cabinet—were before the public as candidates for that office—was, he said, such a symptom of the diseased state of public sentiment, as must be equally alarming and discouraging, whether viewed by those, who saw the highest objects of laudable ambition snatched from them by a military chief, or by those calm observers of passing events, who look with philosophical or prophetic eyes, on the causes of the permanence or decay of our free institutions.'

" The above extract contains but an imperfect sketch of Mr. Clay's remarks to me at that time. He declared, with great energy, his opinion, that, whatever be General Jackson's other merits, he had no pretensions to the character of a statesman; and he painted, in lively colors, the dangers, to which the country was exposed."

Alexander Robertson, Esq., in a letter, dated, Union Township, Ross Co., January 12, 1828, and addressed to R. Kercheval, Esq., Chilicothe, says, he made a journey of six days in company with Mr. Clay and two other members of Congress from Kentucky, in November, 1824, on their way to Washington, and that, among other things, he heard Mr. Clay say: " There was little doubt, that the choice [for president] would be ultimately restricted to either Mr. Adams or General Jackson, in which event, he repeatedly stated, that it was his settled intention to vote for Mr. Adams."

MR. CLAY TO JUDGE BROOKE.

" Washington, 28th *January*, 1825.

" My Dear Sir: My position, in regard to the presidential contest, is highly critical, and such as to leave me no path, on which I can move without concern. I have pursued, in regard to it, the rule which I always observe in regard to my public duty. I have interrogated my conscience, as to what I ought to do, and that faithful guide tells me, that I ought to vote for Mr. Adams. I shall fulfil its injunctions. Mr. Crawford's state of health, and the circumstances under which he presents himself to the house, appear to me to be conclusive against him. As a friend of liberty, and to the permanence of our institutions, I can not consent, in this early stage of their existence, by contributing to the election of a military chieftain, to give the strongest guaranty, that this republic will march in the fatal road, which has conducted every other republic to ruin. I owe to our friendship this frank expression of my intentions. I am, and shall continue to be, assailed, by all the abuse, which partisan zeal, malignity, and rivalry, can invent. I shall view, without emotion, these effusions of malice, and remain unshaken in my purpose. What is a public man worth, if he will not expose himself, on fit occasions, for the good of his country? As to the result of the election, I can not speak with absolute certainty; but there is every reason to believe, that we shall avoid the dangerous precedent, to which I allude.

" H. Clay.

" Hon. F. Brooke."

ject of increasing amazement, as the events recede in time, and public judgment becomes tempered with sobriety. That the *accused* party, also occupying an equally elevated standing—not to

"WASHINGTON, *February* 4, 1825.

"MY DEAR SIR: I received your obliging letter of the 1st instant. Although my letter, to which it is an answer, was not intended for publication, I would rather that it should be published, and speak for itself, than its contents should appear through the medium of Mr. Ritchie's representations of them. With regard to its publication, you will be pleased to do as you may think proper. All that I feel anxious about, is, that the public should not receive an impression, that it was my intention that it should be published. My condition at this moment is most peculiar. The batteries of some of the friends of every man, who would now be president—or who, four or eight years hence, would be president—are directed against me, with only the exception of those of Mr. Adams. Some of the friends of General Jackson, Mr. Crawford, Mr. Calhoun, and Mr. Clinton, with very different ultimate ends, agree, for the present, to unite in assailing me. The object now is, on the part of Mr. Crawford and General Jackson, to drive me from the course, which my deliberate judgment points out; and for the future, on the part of Mr. Clinton and Mr. Calhoun, to remove me, as an obstacle to their elevation. They all have yet to learn my character, if they suppose it possible to make me swerve from my duty, by any species of intimidation, or denunciation. But I did not suppose, that my old friend Ritchie would join in the general cry. He ought to recollect, that he is struggling for a *man*, I for the *country*; he, to elevate an unfortunate gentleman, worn down by disease [Mr. Crawford]; I, to preserve our youthful institutions from the bane, which has destroyed all the republics of the old world. I might have expected from the patriotism of Thomas Ritchie, that he would have surrendered his personal predilections, and joined with me, in the effort to save us from a precedent fraught with the most pernicious consequences. I am so far disappointed. I say it with mortification and regret. But all attempts to make me unite with him—to induce me to give up the defence of our institutions, that we may elect a sick gentleman, who has also been rejected by the great body of the nation, are vain, and utterly fruitless. Mr. Ritchie ought to awake, should be himself again, and love Rome more than Cæsar.

"I observe what you kindly tell me about the future cabinet. My dear sir, I want no office. When have I shown an avidity for office? In rejecting the mission to Russia, and the department of war, under one administration? In rejecting the same department, the mission to England, or any other foreign mission, under the succeeding administration? If Mr. Adams is elected, *I know not who will be his cabinet. I know not whether I shall be offered a place in it, or not.* If there should be any offer, I shall decide upon it, when it may be made, according to my sense of duty. But, do you not perceive, that this denunciation of me, by anticipation, is a part of the common system, between the discordant confederates, which I have above described? Most certainly, if an office should be offered to me, under the new administration, and I should be induced to think, that I ought to accept it, *I shall not be deterred from accepting it, either by the denunciation of open or secret enemies, or the hypocrisy of pretended friends.*

"With great respect, I am, faithfully, your friend,

"H. CLAY.

"Judge BROOKE."

"GENITO, *April* 11, 1828.

"*To the Editors of the Constitutional Whig* :—

"GENTLEMEN: The annexed is a copy of a letter written by Mr. Clay, to a member of the Virginia legislature, in answer to one written by that gentleman to Mr. Clay, at the particular solicitation of several members, who knew the friendship that existed between those two gentlemen. I have been endeavoring, for the last eighteen months, to get Mr. Clay's letter, but in consequence of its having been mislaid, I have been unable to do so until now. It goes—together with numerous other letters written by him pending the election—to show the high-minded and independent course adopted by him, throughout the contest. I have the original now in my possession :—

say more so—should be forced into such a position, and HELD there—a position, from which common law, and common justice, would instantly rescue the meanest citizen—will for ever be a sub-

"WASHINGTON, *February* 4, 1825.

"MY DEAR SIR: I have received, and read, with all the attention due to our ancient and unbroken friendship, your letter of the 2d instant. You state, that the conviction has been forced upon the Richmond public, by the papers which are daily received from this city, that *I have gone over to the party of Mr. Adams, with a view to constitute a part of his cabinet.* Do you believe it? Then you ought not to respect me. Do you wish me to deny it? Then you *can not* respect me. What do you desire? That I should vote for Mr. Crawford? I CAN NOT for General Jackson—I WILL NOT. I shall pursue the course, which my conscience dictates, regardless of all imputations, and all consequences. I love the state which gave me birth, more than she loves me. Personally, I would make any sacrifice to evince this attachment. But I have public duties to perform, which comprehend a consideration of her peculiar interest and wishes, and those of the rest of the confederacy. Those I *shall* perform. In doing so, I may incur, unfortunately, her displeasure. BE IT SO. I can not help it. The quiet of my conscience is of more importance to me, than the good opinion of even Virginia, highly as I do, and ever must, respect it.

"Your faithful friend,

"H. CLAY."

EXTRACT OF A LETTER FROM JOSEPH KENT, GOVERNOR OF MARYLAND, TO A GENTLEMAN OF FRANKFORT, KENTUCKY.

"ROSEMONT, *May* 15, 1827.

"I have seen so little of late, from your state, upon the subject of politics, that I do not know, whether the violence of the opposition to the present administration, has extended itself among you, or not. Our friend, Mr. Clay, appears to be the chief object of persecution, with the opposition. They are, with great industry, conducting a systematical attack upon him, which commenced with the Kremer story, an entire fabrication. At the time the plot opened, I was a member of the house of representatives, and heard Kremer declare, he never in his life designed to charge Mr. Clay with anything dishonorable. The old man naturally honest, was imposed on at the time, by a powerful influence, and constrained to act his part in an affair, which, from beginning to end, was as much a fiction, as the 'Merry Wives of Windsor,' or the 'School for Scandal.' . . . Mr. Clay I have known intimately for sixteen years. His public career is completely identified with every event of the country, from that period to the present time, whether in peace or war. During the late war, I have seen the house of representatives, after having gone out of committee of the whole, return to it again, for the sole purpose, of affording Mr. Clay (then speaker) an opportunity of putting down the desperate and infuriated advocates of British tyranny, insult, and injury. But his enemies say Mr. Adams bargained with him. This is assertion, without proof, and is destitute of truth, as it is of manly frankness. His superior qualifications placed him in the department of state, and history furnishes no instance, when so superior a man had to *bargain* for a high station, for which his peculiar fitness was evident to every one."

MR. CLAY TO GEORGE M'CLURE, ESQ.

"I have no hesitation in saying, that I have long since decided in favor of Mr. Adams, in case the contest should be between him and General Jackson. What, I would ask, should be the distinguishing characteristic of an American statesman? Should it not be a devotion to civil liberty? Is it then compatible with that principle, to elect a man, whose sole recommendation rests on military pretensions? I, therefore, say to you unequivocally, that I can not, consistently with my own principles, support a military man."

The above EXTRACT was sent by Mr. M'Clure, to the Hon. Robert S. Rose, at his request, with a letter, dated Bath (N. Y.), September 1, 1827, of which the following is a part: "After the electors of president and vice-president were chosen in 1824, it was ascertained, that the election would come before the house of

ject of just and increasing amazement! That this position of the parties, and *such* parties, should not only be tolerated for the instant, but permitted to remain for years, for an age, FOR EVER,

representatives, and that Mr. Clay would not be among the number returned. Not knowing his sentiments in relation to the candidates, I addressed a letter to him, stating, that in all probability, the contest would be confined to Mr. Adams and General Jackson; and in that case, wished to know which of them he would prefer? Mr. Clay answered me promptly, by letter, bearing date December 28, 1824, of which the following [above] is an extract."

"LEXINGTON (Ky.), *March* 21, 1825.

"*To the Editors of the National Intelligencer:*—

"GENTLEMEN: At different times before Mr. Clay left this place for Washington, last fall, I had conversations with him on the subject of a choice of a president by the house of representatives. In all of them he expressed himself as having, long before, decided in favor of Mr. Adams, in case the contest should be between that gentleman and General Jackson. My last interview with him, was, I think, the very day before his departure, when he was still more explicit, as it was then certain, that the election would be transferred to that tribunal, and highly probable, that he would not be among the number returned. In the course of the conversation, I took occasion to express my sentiments, with respect to the delicate and difficult circumstances under which he would be placed; on which he remarked, that I could not more fully apprehend them, than he did himself; but that nothing should deter him from the duty of giving his vote, and that no state of things could arise, that would justify him in preferring General Jackson to Mr. Adams, or induce him to support the former. So decisive, indeed, were his declarations on this subject, that, had he voted otherwise than he did, I should have been compelled to regard him, as deserving that species of censure, which has been cast upon him, for consistently adhering to an early and deliberate resolution. "DANIEL DRAKE."

The Hon. John McLean, (not Mr. Justice McLean, as represented in the first edition), wrote a letter to the editor of the Illinois Gazette, from Washington, Feb. 3, 1825—he being at that time a senator of the United States, and a political friend of General Jackson—of which the following is an extract: "No doubt you have, with astonishment, seen the cards of Mr. Clay and Mr. Kremer, in the Intelligencer. . . . No man, I think, believes, that there is the least foundation for the accusation against Mr. Clay, and no man affects to credit it, but Mr. Kremer. At any rate, I know of none who does."

MR. WM. O. NILES TO MR. CLAY.—EXTRACT.

. . "A short time after the election [of Mr. Adams], my father was at Washington, and attended the first levee, or party, given by the president elect (and I believe he held levees every fortnight while secretary of state) and there met General Jackson, who, after greeting him with much cordiality, took him by the arm, and, forcing his way through the crowd, led him to the passage, or hall, where he entered into a free discussion, of all the matters connected with the election, and again and again expressed himself satisfied with the result, saying, among other things, that 'he was not fit for the presidential chair—that he could not get on—that his proper place was at the head of an army,' &c. During that conversation, not one word escaped him, which betrayed the slightest suspicion, that he had been unfairly dealt with—or that any improper influences had been exerted in the election. About this interview I can not be mistaken, for I have heard my father frequently describe it."

The father of the writer of the above letter, was HEZEKIAH NILES, Esq., editor and proprietor of the WEEKLY REGISTER.

LETTERS FROM CHIEF-JUSTICE MARSHALL TO MR. CLAY.

"RICHMOND, *April* 4, 1825.

"DEAR SIR: I have received your address to your former constituents; and, as it was franked by you, I presume I am indebted to you for it. I have read it with great pleasure, as well as attention, and am gratified at the full and complete view you have given of some matters, which the busy world has been

would in time be pronounced a fable, if history should neglect to register the FACTS!

What is that position? One party, interested even to the high-

employing itself upon. I required no evidence respecting the charge made by Mr. Kremer, nor should I have required any, had I been unacquainted with you, or with the transaction—because I have long since ceased to credit charges *destitute of proof*. I consider them as *mere aspersions*. The minuteness of detail, however, will enable your friends to encounter any insinuations on that subject, which may be thrown out in their hearing. More of this may be looked for, than any hostility to you would produce. There is unquestionably a party determined to oppose Mr. Adams at the next election, and this party will attack him *through you*. It is an old, and has been a successful stratagem. No part of your letter was more necessary, than that which respects your former relations with that gentleman.

"I am, dear sir, with respect and esteem, your obedient servant,

"J. MARSHALL."

"RICHMOND, *January* 5, 1828.

"DEAR SIR: I thank you for the copy of your address on the charges made against you respecting the election of president, which I have read with the more pleasure, because it combines a body of testimony much stronger than I had supposed possible, which must, I think, silence even those who wish the charges to be believed.

"With sincere wishes for the improvement of your health, and with real esteem,

"I am, dear sir, your obedient servant,

"J. MARSHALL.

"Hon. H. CLAY."

"RICHMOND, *May* 1, 1828.

"DEAR SIR: A visit to my friends in the upper country, from which I returned yesterday, prevented my receiving your letter of the 8th of April, at an earlier day. The note you mention, was drawn from me very unwillingly, and the opinion it expressed, was the necessary result of evidence on a mind not predisposed to condemn. If it draws upon me a portion of that scurrility, which has been lavished on others, I must console myself with the reflection, that I have not voluntarily intruded myself upon a controversy, which has been carried on with such unexampled virulence.

"Mr. Call looked in upon me yesterday afternoon, and showed me your two letters to Mr. Blair. We have indeed 'fallen upon evil times,' if the seal of confidence is to be broken, and such letters to be shown, for the purpose of injuring the writer. No fair mind can misunderstand them, or pervert their light and sportive language into a confession of dishonorable views. I know not how Mr. Blair can abstain from a public vindication of your conduct, so far as it is developed in those letters.

"With great and respectful esteem, I am, dear sir, your obedient servant,

"J. MARSHALL.

"Hon. H. CLAY."

CHIEF-JUSTICE MARSHALL TO THE EDITOR OF THE RICHMOND WHIG—PUBLISHED APRIL 2, 1828.

"*March* 29, 1828.

"SIR: I perceive in your paper of to-day, a quotation from the *Marylander*, of certain expressions ascribed to me, respecting the pending election for the presidency of the United States, which I think it my duty to disavow. Holding the situation I do under the government of the United States, I have thought it right to abstain from any *public* declarations on the election; and were it otherwise, I should abstain, from the conviction, that my opinions would have no weight.

"I admit having said in *private*, that, though I had not voted since the estab lishment of the general ticket system, and had believed that I never would vote du ring its continuance, I might probably depart from my resolution in this instance, *from the strong sense I felt of the injustice of the charge of corruption against the president and secretary of state.*

est object of human ambition, is PERMITTED, with impunity, and without the responsibility of proof, to bring the gravest charges —charges amounting to crime of the foulest and most atrocious

"I never did use the other expression ascribed to me. I request you to say, that you are authorized to declare, that the *Marylander* has been misinformed.

"Very respectfully, your obedient servant,

"J. MARSHALL.

"JOHN H. PLEASANTS, Esq."

MR. MADISON TO MR. CLAY.

"MONTPELIER, *January* 6, 1828.

"DEAR SIR: I have duly received the copy of your address, politely forwarded to me. Although I have taken no part in the depending contest, and have not been led to place myself publicly on that ground, I could not peruse the appeal you have made, without being sensible of the weight of testimony it exhibits, and of the eloquence by which it is distinguished.

"With great esteem and friendly regards,

"JAMES MADISON.

"Hon. H. CLAY."

"BOSTON, *July* 24, 1827.

"MY DEAR SIR: Your reply to General Jackson's letter is admirable, and has been most favorably received everywhere, at least on this side of the Alleganies. It places the general in a position where he can not remain. He must move in some direction; and whatever movement he makes, will either embarrass his friends, or still more embarrass himself. I have a suspicion, that the '*respectable member of Congress*' is Mr. Buchanan. If this should turn out so, it will place *him* in an awkward situation, since, it seems, he *did recommend* a bargain with your friends, on the suspicion, that such a bargain had been proposed to them, on the part of friends of Mr. Adams. I am curious to see how this matter will develop itself.

"Yours always truly, "DANIEL WEBSTER.

"Hon. H. CLAY."

"BOSTON, *August* 22, 1827.

"MY DEAR SIR: You speak very modestly of recent events, in which you have borne so distinguished and so *successful* a part. I can not think that General Jackson will ever recover from the blow which he has received. Your speech at Lexington, in point of merit, as a clear and well-stated argument, is entirely at the head of all your efforts; and its effects on public opinion have not been exceeded by those of any political paper—I may almost say, within my recollection. Buchanan is treated too gently. Many persons think his letter candid. I deem it otherwise. It seems to me to be labored very hard to protect the general, as far as he could, without injury to himself. Although the general's friends, this way, however, affect to consider Buchanan's letter as supporting the charge, it is possible the general himself, and the Nashville Commentator, may think otherwise, and complain of Buchanan. I should expect this with some confidence, if they received the letter a little earlier than they may have seen the *turn* which the Atlantic editors have attempted to give it. As these last have pretty generally agreed to say, that the letter does support the general, the Nashville Commentator, if they see the example in season, may be disposed to follow it. I do not yet learn what answer comes from that quarter to your speech, &c.

"Ever truly yours, "DANIEL WEBSTER.

"Hon. Mr. CLAY."

"*January* 1, 1828.

"MY DEAR SIR: After company went out last night, and I had packed up my trunk, I sat down, and read your letter through. Probably, I should have voted against *any* further publication; but I am now fully satisfied this will do good. The statement is clear, and the evidence irresistible. I am satisfied, upon my conscience, that the whole business originated with General Jackson himself; whether through mistake, or from intention, I do not say. Adieu.

"Yours always truly, "DANIEL WEBSTER.

"Mr. CLAY."

This letter alludes to Mr. Clay's address to the public, of December, 1827.

character—against a *supposed* rival, to keep his rival back, and put himself forward! The other party—whose fair fame, hardly earned in a long career of untarnished private honor, and of most scrupu-

In 1829, after Mr. Adams had retired from the presidential chair, in reply to a letter from a committee of gentlemen in New Jersey, who had addressed him, he spoke of Mr. Clay as follows: "Upon him the foulest slanders have been showered. Long known and appreciated, as successively a member of both houses of your national legislature, as the unrivalled speaker, and at the same time most efficient leader of debates in one of them; as an able and successful negotiator of your interests, in war and peace, with foreign powers, and as a powerful candidate for the highest of your trusts, the department of state itself was a station, which, by its bestowal, could confer neither profit, nor honor, upon him, but upon which he has shed unfading honor, by the manner in which he has discharged its duties. Prejudice and passion have charged him with obtaining that office by bargain and corruption. Before you, my fellow-citizens, in the presence of our country and Heaven, I pronounce that charge totally unfounded. This tribute of justice is due from me to him, and I seize, with pleasure, the opportunity afforded me by your letter, of discharging the obligation. As to my motives for tendering to him the department of state when I did, let that man who questions them, come forward; let him look around among statesmen and legislators of this nation, and of that day; let him then select and name the man, whom, by his pre-eminent talents, by his splendid services, by his ardent patriotism, by his all-embracing public spirit, by his fervid eloquence in behalf of the rights and liberties of mankind, and by his long experience in the affairs of the Union, foreign and domestic, a president of the United States, intent only upon the honor and welfare of his country, ought to have preferred to HENRY CLAY. Let him name the man, and then judge you, my fellow-citizens, of my motives."

When Mr. Adams was on a tour in the western states, in the fall of 1843, in addressing the chairman of the committee of his reception, at Maysville, Kentucky, he said: "I thank you, sir, for the opportunity you have given me of speaking of the great statesman, who was associated with me in the administration of the general government, at my earnest solicitation; who belongs not to Kentucky alone, but to the whole Union; and who is not only an honor to this state, and this nation, but to mankind. The charges to which you refer, after my term of service had expired, and it was proper for me to speak, I denied before the whole country, and I here reiterate and reaffirm that denial; and as I expect shortly to appear before my God, to answer for the conduct of my whole life, should those charges have found their way to the throne of eternal justice, I WILL, in the presence of OMNIPOTENCE, pronounce them FALSE."

In a public speech at Covington, Kentucky, during the same tour, as above, Mr. Adams said: "Not only have I received invitations from public bodies and cities, but also from individuals, among the first of whom was that GREAT MAN, your own citizen, who, during a very large portion of my public life, and in various public capacities, in several instances on matters relating to your interests, has been my associate and friend, and the recollection of whom brings me to the acknowledgment, before this whole assembly, that in all the various capacities in which I have known him to act, whether as associate, as assistant, or acting independently of me, in his own individual character and capacity, I have ever found him not only one of the ablest men with whom I have ever co-operated, but also one of the most amiable and worthy."

A RESOLUTION OF THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE.

"*Resolved, by the general assembly of the state of Tennessee,* That, so much of the proceedings adopted by the legislature of Tennessee in 1827, as sustain the allegation, either expressed or implied, of an improper and corrupt combination, or, as it has been more generally denominated, '*corruption, bargain, and intrigue,*' between John Q. Adams and Henry Clay, is, in the opinion of this general assembly, unsupported by proof, and not believed.

"Adopted January 27, 1844.

"D. L. BARRINGER,
"*Speaker of the House of Representatives.*
"J. M. ANDERSON,
"*Speaker of the Senate.*

"A true copy: JNO. S. YOUNG, *Secretary of State.*"

lous fidelity to the public, precious to himself, and momentously important to the community—invokes proof, demands justice, and is denied both! While the ACCUSER, thus interested, and thus

The following record is from the journal of the senate of Kentucky, January 25, 1828: "The legislature view with deep concern, and feelings of just indignation, the efforts that are now making throughout the United States, to blast the reputation of the distinguished members of Congress from this state, who voted for John Quincy Adams to be president of the United States. They have no hesitation in saying, that it is their confirmed opinion, from great deliberation and a full examination of all the facts and evidence adduced, that the charges of *bargain, sale, and corruption*, in the election of John Q. Adams, are utterly false and malicious; that they are brought forward, and endeavored to be sustained, for party purposes, and to elevate General Jackson to the office of president of the United States."

"OSUISCHU BEND, RUSSEL COUNTY (ALA.), *May* 26, 1844.

"DEAR SIR: I have had the honor to receive your favor of the 17th instant. There is nothing in the nature of your communication, which requires an apology for your addressing me.

"If I had in my possession such a letter from General Jackson, as has been most erroneously supposed, I should, under his very emphatic card of the 3d instant, in the Nashville Union, have felt myself released from all reserve, as to its publication. You will have perceived, ere this reaches you, from my reply to that gentleman, that he never, in the confidence which once subsisted between us, transmitted to me such a paper.

"Indeed, I have frequently heard him express opinions altogether at variance with the alleged retraction. His belief, and that generally of the party to which I was then attached, *I did not share*, in reference to the charge of bargain and corruption, which, in 1825, was so freely preferred against Mr. Clay and Mr. Adams, and which constituted THE ELECTIONEERING STAPLE of our party, during the four years' war, which ended in our triumph in 1829.

"It would, in my humble opinion, have been an act of supererogation on the part of Mr. Clay, to have made a bargain for what, *by the force and gravity of political causes and geographical considerations, was* INEVITABLE, *without either his crime or his participation*—an offer of a seat in Mr. Adams's cabinet. In accepting it, *I have always understood*, he acted in conformity with the advice of some of the most influential supporters of Mr. Crawford, whose friends then occupied a position of neutrality between the two great parties of General Jackson and Mr. Adams, although they soon after, it is true, became belligerents on our side. *I sincerely believe*, that Mr. Clay's acceptance of the office, that subjected him to such obloquy, *was the result of a sense of* DUTY *which he owed to the country*, to aid by his counsels him whom he had assisted to place in power. *He certainly relinquished*, for the department of state, *a position in the house of representatives, far more desirable, and of more influence and authority*, which was much better adapted to the peculiar and transcendent vein of his signal ability for distinction in a popular assembly.

"I know that this view of the case runs counter to the opinions of my old chief [General Jackson]—who, if he puts himself at the head of the annexation movement, will be my chief again—and to those of many esteemed friends, with whom I was proudly and victoriously associated in the struggle of 1828 and '29. But they must pardon me for adhering to opinions—however valueless—*long since entertained and frequently expressed.* And now, when I have no sort of connexion with any party in the country—except on one isolated question, associated, as I believe, with the best interests of the whole Union, and the vital security of the south—I hope I may be allowed, without any impeachment of my own motives—and certainly with no adhesion, either expressed or implied, to the politics of Mr. Clay—*to do justice*, as far as my humble opinions can afford it, *to his public reputation, and to his* UNSULLIED *personal honor.*

"I remain, dear sir, with esteem, very respectfully, your obedient servant,

"J. HAMILTON.

"Hon. JOHN WHITE, *House of Representatives.*"

The above letter, it will be observed, was called for, on account of General Jackson's CARD, of May 3, 1844, published in the Nashville Union, and copied at the beginning of chapter xiv. of this volume.

shielded, marches on, unobstructed and triumphant, to his goal, in contempt of all established principles of law and equity, the ACCUSED, driven from the only tribunal where justice could possibly

"NEW YORK, *September* 1, 1845.

"DEAR SIR: In compliance with your request, I submit in writing the following statement, which I made verbally to you a few days ago. You are at liberty to make such use of it as may seem proper to you.

"In April, 1827, a gentleman of Virginia, then residing in Fayetteville, N. C., received the celebrated letter from his friend *Carter Beverley*. Struck with the strong language employed by General Jackson, in the conversation with Mr. Beverley and others, the recipient of the letter communicated it for publication in my paper, the Fayetteville Observer, in which it appeared on the 5th of April, 1827.

"The statements and proofs which this publication called forth, will no doubt be fully and fairly detailed in your forthcoming work. It is not my purpose here to speak of them; but merely, at your request, to state the fact, that though I was then, in common with almost all southern men, opposed to Messrs. Adams and Clay, and earnestly employed in advocating the election of General Jackson (with a view more to *their* defeat than to *his* elevation), I could not, with all my then existing prejudices against Mr. Clay, shut my eyes to a complete refutation of General Jackson's charge of 'bargain and corruption,' which Mr. Clay was enabled to present, even from General Jackson's own witnesses. After the evidence on both sides had been fully produced, I expressed my opinion of the whole case, in the 'Observer' of December 20, 1827, as follows:—

"'There is no duty more binding on an honorable man than the frank and prompt acknowledgment of and atonement for error, especially when an injury to another has been the result of that error. It is in discharge of this duty that we feel called upon to copy the two following articles, on a subject with which all our readers are familiar, viz.: the alleged bargain between Mr. Adams and Mr. Clay.'

"[After giving those articles, the 'Observer' continued]:—

"'It will be recollected that the first appearance of these charges in anything like a tangible shape, and backed by a "responsible accuser," was caused by the appearance in this paper of a letter giving the substance of words spoken by General Jackson; which letter was soon after avowed by the author, and the language attributed to General Jackson *more than assumed by him*. For the publication of that letter we take no blame to ourselves; because it was done in discharge of a paramount obligation of public journalists to expose, on proper evidence, the corruption of the public servants. We believed that we had such evidence.

"'That we had not, and that the charges could not be sustained, after having been made, is the fault of others. We feel bound to say, that in our opinion *the charge of bargain has not been sustained by proof*.

"'We can not for a moment suppose, however, that General Jackson has attempted to fix what he believes to be a false charge upon Mr. Clay. If we thought so, he would be the last man who should receive any support of ours.'

"I need scarcely add, that time, which so essentially changed my opinion in regard to General Jackson, has but served to strengthen and confirm my confidence in the disinterestedness, the patriotism, and the purity, of the long public life of Henry Clay.

"Very respectfully and truly, your obedient servant,

"E. J. HALE,
"*Editor of the Fayetteville* (*N. C.*) *Observer.*

"CALVIN COLTON, Esq."

[CONFIDENTIAL.]

"HOUSE OF REPRESENTATIVES, *February* 14, 1825.

"MY DEAR SIR: Southard remains in the navy department. I am offered that of the state, but have not yet decided. The others not yet determined on. Crawford retires. What shall I do?

"In haste, your friend,
"H. CLAY.

"The Hon. F. BROOKE."

be done, is compelled to go in search of evidence for the proof of a NEGATIVE, and use it, as best he can, without the sanction, without the solemnity of public justice! The interested FIAT of the

[CONFIDENTIAL.]

"WASHINGTON, *February* 18, 1825.

"MY DEAR SIR: When the subject of the office of the department of state to me was first opened to my congressional friends, there existed among them some diversity of opinion, as to the propriety of my accepting it. On the one hand, it was said that, if I took it, that fact would be treated as conclusive evidence of the justice of the imputations which have been made against me; that the house of representatives was my theatre; that the administration would want me there, if it should prove itself worthy of support, more than in the cabinet; and that my own section [of the country] would not like to see me translated from the legislative hall to an executive department.

"On the other hand, it was urged that, whether I accepted or declined the office, I should not escape severe animadversion; that, in the latter contingency, it would be said, that the patriotic Mr. Kremer, by an exposure of the corrupt arrangement, had prevented its consummation; that the very object of propagating the calumny would be accomplished; that, conscious of my own purity of intention, I ought not to give the weight of a feather to the Kremer affair; that there would be much difficulty in filling the administration without me; that either of the other candidates [for the presidency in 1824], if he had been elected, would have made me the same offer; that it would be said of me, that, after having contributed to the election of a president, I thought so ill of him, that I would not take the first place under him; that he was now the constitutional head of the government, and as such I ought to regard him, dismissing any personal objections which I might have heretofore had to him; that I had perhaps remained long enough in the house of representatives; and that my own section [of the country] could not be dissatisfied with seeing me placed where, if I should prove myself possessed of the requisite attainments, my services might have a more extended usefulness.

"On mature consideration, those of my friends, who were originally averse from my entering the office, changed their opinion, and I believe they were finally unanimous in thinking, that I ought not to hesitate in taking upon myself its duties. Those of Mr. Adams, especially in New England, were alike unanimous, and indeed, extremely urgent in their solicitations. Several of Mr. Crawford's friends (Mr. McLane, of Delaware, Mr. Forsyth, Mr. Mangum, &c.. &c.), and also some of those of General Jackson in Pennsylvania, expressed to me their strong convictions, that I ought to accept. The opposition to my acceptance is limited chiefly to the violent of Mr. Calhoun's friends, and to some of those of Mr. Crawford and General Jackson.

"From the first, I determined to throw myself into the hands of my friends, and if they advised me to decline the office, not to accept it; but, if they thought it was my duty, and for the public interest, to go into it, to do so. I have an unaffected repugnance to any executive employment, and my rejection of the offer, if it were in conformity with their deliberate judgment, would have been more compatible with my feelings, than its acceptance.

* * * * * * * *

"This is not written for publication, in whole or in part. * * *

"I am, my dear sir, your affectionate friend,

"The Hon. F. BROOKE." "H. CLAY.

MR. CRAWFORD TO MR. CLAY—EXTRACT.

"WOODLAWN, *February* 4, 1828.

"MY DEAR SIR:

* * * * * * * *

"I hope you know me too well, to suppose, that I have countenanced the charge of corruption, which has been reiterated against you. The truth is, I approved of your vote when it was given, *and should have voted as you did between Jackson and Adams.* But candor compels me to say, that I disapproved of your accepting an office under him.

* * * * * * * *

"WM. H. CRAWFORD."

accuser, is permitted to pass for the full value and effect of proof, conviction, sentence, execution! Dodging responsibility when confronted by it, flying from court when justice calls him to her

EXTRACT FROM MR. CLAY'S REPLY.

"WASHINGTON, *February* 10, 1828.

"MY DEAR SIR:

* * * * * * * *

"I do, my dear sir, know *you* too well to suppose, that you ever countenanced the charge of corruption against me. No man of sense and candor—at least none that know me—ever could or did countenance it. Your frank admission, that you would have voted as I did, between Mr. Adams and General Jackson, accords with the estimate I have ever made of your intelligence, your independence, and your patriotism. Nor am I at all surprised, or dissatisfied, with the expression of your opinion, that I erred in accepting the place which I now hold. When two courses present themselves in human affairs, and one only is pursued, experience develops the errors of the selection which has been made. Those which would have attended the opposite course, can only be matter of speculation. Thus it is in the case referred to. We see, or think we see, distinctly, the errors of the alternative which I embraced. But, are we sure, that, if I had chosen the other, I should not have been liable to greater hazard, or more animadversion? The truth is, as I have often said, my condition was one full of embarrassments, whatever way I might act. My own judgment was rather opposed to my acceptance of the department of state; but my friends—and let me add, two of your *best* friends, Mr. McLane, of Delaware, and Mr. Forsyth, urged me strongly not to decline it. It was represented by my friends, that I should get no credit for the forbearance, but that, on the contrary, it would be said, that my forbearance was evidence of my having made a bargain, though unwilling to execute it. . . . . 'Your enemies have sought, by previous denunciation, to frighten you. They do not believe that you have acted otherwise than from motives of the purest patriotism; but they wish to alarm you, and prevent you from entering the department of state.' These, and other similar arguments were pressed on me, and after a week's deliberation, I yielded to their force. It is quite possible, that I may have erred. . . . I shall at least have no cause of self-reproach.

* * * * * * *

"Your faithful friend and obedient servant,

"H. CLAY.

"Hon. WM. H. CRAWFORD."

MR. CLAY TO JUDGE BROOKE—EXTRACT.

"WASHINGTON, *August* 14, 1827.

* * * "Instead of any intrigues on my part and that of my friends, they were ALTOGETHER on the side of General Jackson and his friends. * * *

"H. CLAY."

N. B. It is proper to observe, that all Mr. Clay's private letters found in this work, are obtained independently of him, and used without consulting him.

CARTER BEVERLEY'S RECANTATION.

"VIRGINIA, MIDDLESEX COUNTY, URBANA, *February* 8, 1842.

"DEAR SIR: It will be no doubt a matter of some astonishment to you, in receiving from me the present address. I will not preface it with any kind of apology, because, in doing it, I justify my mind, in the discharge of an act of conscience, and a duty, that I feel the utmost pleasure in performing. Although the time is quite far gone, since I became very innocently instrumental in circulating throughout the country, a very great attack upon your character and virtue as a gentleman, and certainly a very heavy one, as a public man, I feel exceedingly desirous to relieve you, as far as I can, from the slander, and my own feelings from the severe compunction that is within me, of having been, though neither directly nor indirectly, your personal accuser; yet, that I was drawn indiscreetly into the representation of an attack upon you.

tribunal, the accuser is no sooner driven from one position, than he takes up another, from which to iterate his charges!

All the world knew, that the witnesses were on the spot, whence

"It is altogether unnecessary to enter into the minute circumstances, at so distant a period, of how it happened, and the particulars of it all. The public were, at the time, sufficiently informed, why and wherefore, I became the relater of the assault, to which I especially allude. I did not solicit the account, that gave the gross, abominable scandal of you; but merely asked, if it was, or could possibly be, true? I had long before heard of it, and was at the seat of government when it was represented to have occurred. The reason of my having mentioned it, upon which the answer was given to me, was, that I thought it an infinite scandal upon the country, if true; and if not true, it would give you a fair opportunity of exculpating yourself. I had, therefore, two objects in view, which are easily seen; and from either, or both, I conceive that I ought to be exonerated, at least from any design to do you injustice. Imagine yourself, what motive I could possibly have had to injure you—a gentleman with whom I had no difference, with whom I had been variously acquainted, and though never intimately so, yet there was always an urbanity and an interchange of civilities between us, that never failed to make quite a favorable impression upon me, and if it was not reciprocal, it was my misfortune. To strew difficulty in your way with design, was utterly improbable at least. You, a distinguished man in the eyes of the nation, what advantage could I have expected from a derision of you? Surely, it was very improbable. I most assuredly and most certainly never entertained the smallest prejudice or unfavorable idea of you, until the affair of the Fayetteville letter, that appeared under my signature, upon which was founded, I am quite sorry to say, the charge which galloped through the Union against you.

"Your memorable pamphlet, and some letters, that came out in your defence, were entirely expressive of the whole transaction; and although I thought at the time, that you had not properly conceived me, I studiously forbore to say more than had been expressed in my correspondence at Wheeling, with Mr. Noah Zane. My entire object now is, a desire I have to be exonerated from the belief of any special design to injure you. For, I again declare, that I never felt the smallest degree of unkindness toward you, other than what was at the time impressed upon me, by what had been communicated. I have never since the affair, fallen in company with you but once, and that was for a moment only, and it took place in the hall of the house of representatives, when a ballot was going on for a public printer. I was standing alongside of Gov. Branch, then a senator of the United States, when you passed on at my back, and without perceiving who I was, before you got up to us, you asked how the ballot had gone? Mr. Branch had not attended to it, and I had just taken it down with a pencil. I handed to you the paper, and after looking at it, you returned it, bowed, and passed on. Mr. Branch then asked me, if that was the first time you and I had met, since the affair of the Fayetteville letter. I said, 'Yes.' The matter then vanished, and I have never met with you since.

"This letter is intended to show you, that the long lapse of time, and the many growing circumstances of the country and the government, have long ago convinced me, that the very greatest injustice was done you in the charge made. I had, too, an opportunity lately of reading over very calmly and dispassionately a file of newspapers, containing the whole affair, and carefully dilated upon it. Mr. Buchanan, who was represented to be your accuser, exhibited no proof whatever against you; and he even denied having ever made the charge upon you. I have discharged my mind in addressing myself so fully to you, and can only add, that if a publication of this letter can render you any essential service (though I do not deserve it), you have full liberty from me, to let the public see it. One circumstance I beg to assure you of, that, whatever my verbal and written expressions of you were (and I suppose I must have given much scope to both, though I recollect now nothing of what I did say), I again say, that I am most thoroughly convinced, that you were most *untruthfully*, and therefore *unjustly* treated; for I have never seen any evidence to substantiate at all the charge.

"Before I take final leave of you—as it may be, and very likely will be, the last intercourse between us—I must be allowed to make a few more observations though I am quite sensible, that my letter has already exceeded the proper limit

the specifications of charge first emanated. They were polled in the charge itself: "the friends of Mr. Clay," "the friends of Mr. Adams," and "the friends of General Jackson;" and so polled, that it was impossible to mistake them. Their names were on the journals of the house, as MEMBERS. But the moment they were being invoked, to appear in the capacity of witnesses, the ACCUSER, from behind the curtain, issues his mandate to his agents, to RETREAT, under a plea of jurisdiction! The thing, which he was interested to prove, and could prove, if true—which he was challenged to prove, and bound, in honor and justice, to prove—he abandons instantly, as the chance of proof presents itself! It was not for him to enter a plea of jurisdiction, to avoid investigation, but for the other party, if either. For either to do it, was a confession of weakness, of wrong—of all the turpitude and crime involved in the case.

It happens, however, in the process of time, that the NEGATIVE of these specifications of charge, is completely, triumphantly established—not, indeed, with the forms of public justice, nor with its sanctions, nor with its solemnity, as should have been done, for the proper effect of the verdict. But the accused was denied this justice. The first twenty witnesses, who give their evidence in

Yet I hazard, with a gentleman of liberality, nothing, I am sure, in asking a little further indulgence. From the temper of the nation, and the peculiar state of things, it is presumable, that you are to be the whig candidate for the next election of president of the United States. You have, I am sure, too high respect for public opinion, as you have too much veneration for the high dignity of that situation, to be negligent of it. The greatest objection that has been yet started against you for that high post, I am concerned to say, hinges upon the old affair, which has been the subject of this letter; and I am sure, as far as I have any influence, the representation I made against you, I sincerely hope, will be perfectly removed by what I have already expressed to you. I know a great many most respectable, independent, high-minded politicians of the country, now extending to a great distance of the Union, that would have supported you through the thickest vapor that has hitherto cast a blind upon the nation, but for the circumstances referred to. It can surely now no longer be matter of doubt upon their minds; for he who was generally believed to be the circulator of the egregious slander against you, hereby revokes his belief of it, and unequivocally declares, that it is unproved, and stands utterly unsupported to this time—a period of fifteen or sixteen years. But, like all spirited malevolence, it will be still said by some, that, even in this explanation I have given you of the part I bore in it, there is an understanding between us, and that it is all designed for political effect. You and I can most readily meet the charge, I am sure. I have had no intercourse, or interview—as is expressed in my letter—with you, for at least ten or eleven years—and there has been no sort of interchange between us. But you and I have become old enough to expect all such matters to arrive, and are therefore prepared, I dare say, for the coming of them. Then, let it be so. I am sure we shall neither of us regard it. I sincerely wish you health and happiness, and remain, dear sir, most respectfully,

"Your obedient servant,

"CARTER BEVERLEY.

"To the Hon. HENRY CLAY"

the lower margin of this chapter, were members of the house of representatives at the time, and are the very persons, who, more than all others, must necessarily know—it was physically and morally impossible they should be ignorant—if there was any truth in these charges, or the least foundation for them whatever; and to suppose, that their evidence is not conclusive, is to allege, that twenty such men, never impeached before or since, men of high and pure character through life, in all its relations, have, independently of each other, without opportunity of concert, and without any conceivable adequate motive, *unanimously falsified themselves*, each for each, standing alone in his crime! And what is remarkable, one of them, the Hon. DAVID WHITE, of Kentucky, was actually in the field, when he gave his evidence—as may be seen in his own words—fighting against Mr. Adams, for General Jackson! The effect of this united, harmonious evidence, from the very persons, who knew all about it, so far as there was anything in it—more especially when viewed in connexion with the absence of all conflicting evidence from the other side, not a particle of which has ever been adduced or found—is to leave the accuser, standing, like the baseless fabric of a vision, on NOTHING!

The evidence of these members of the house of representatives, goes to the *points of fact*, as charged, and *annihilates* them, in the absence of all positive proof. But there is another class of witnesses, brought forward in this chapter, still more numerous, and not less respectable, nor less worthy of credit, who certify to facts, which establish the *moral impossibility* of the truth of the charges alleged against Mr. Clay. Here, too, are political opponents of Mr. Clay, Gen. Call and Col. Benton, giving evidence of great force—especially Col. Benton. His is conclusive. And Gen. Call's is tantamount to evidence from General Jackson himself. He and General Jackson were then fellow-travellers, and he undoubtedly spoke the general's sentiments, viz., that Mr. Clay could not support Gen. Jackson, without being guilty of duplicity. Mr. Clay's conscientious support, in 1819, in the house of representatives, of a resolution of censure on General Jackson, for his conduct in the Seminole war, as everybody knew, had alienated the general from him; and Mr. Clay's opinion of General Jackson was not less notorious. Most of the witnesses here adduced, prove, that, during the year, fall, and December of 1824, at sundry times, and to a host of individuals, Mr. Clay had expressed himself freely, emphatically, decidedly, that he never could, and

never would, support General Jackson for the presidency, in any event whatever—*so* decidedly, and so often, that he would have lost all character and standing, if he had done so, or been known even to have entertained the purpose. It was *morally impossible*, that such a purpose should be entertained by him for a moment. Such is the testimony of a host of witnesses, led off by such names, as General Lafayette; Governor Kent, of Maryland; James Barbour, secretary of war; the honorable senators, Johnston and Bouligny, of Louisiana; the Hon. J. J. Crittenden, and Chief-Justice Robertson, of Kentucky—all of unimpeachable character; Mr. Clay's political opponents, Gen. Call and Mr. Benton; and so on.

Governor Kent's letter is an impressive proof of the absurd, the morally impossible, and the false. Who will not feel the force of the following remark: "History furnishes no instance, where so superior a man had to *bargain* for a high station, for which his peculiar fitness was evident to every one."

The extract from Mr. Niles's letter is one of great force, and irresistibly instructive, as it exhibits, either a palpable absurdity, or the most startling hypocrisy, on the supposition of the truth of the charges against Messrs. Adams and Clay. The letters from CHIEF-JUSTICE MARSHALL will be read with profound interest, not less on account of the source, from which they come, than the eloquent *opinion* which they deliver, in the case. "I have long since ceased to credit charges *destitute of proof*. I consider them as MERE ASPERSIONS." He speaks of Mr. Clay's address of December, 1827, with its accompanying documents—extracts from many of which are found in this chapter—as "combining a *body of evidence* much stronger than he had supposed possible, which, he thinks, must silence even those, who wish the charges to be believed." In his letter of May 1, 1828, he says, that "the opinion expressed," in his note of March 29, to the editor of the Richmond Whig, "was the *necessary result of evidence on a mind* not predisposed to CONDEMN." He did then go so far as to "CONDEMN" General Jackson, by this evidence. It will also be interesting to see, in this letter of May 1, Judge Marshall's opinion concerning Mr. Clay's "two letters to Mr. Blair," which, till finally published in 1844, were so much misrepresented. The chief-justice's letter to the editor of the Richmond Whig, is a strong one, drawing forth the inmost feelings of his soul, as they regard this great crime: "From the *strong* sense I felt of the

injustice of the charge of corruption against the president and secretary of state." The deep sympathy manifested by the chief-justice on this occasion, will be appreciated, as it evinces his judgment on the enormity of the offence.

Mr. Madison's brief note, considering his position in retirement, and his general character of coolness on all occasions, is even *warm*: "I *could* not peruse the appeal you have made, without being *sensible* of the weight of testimony it exhibits." The *substance* of the same documents is in this chapter and the preceding. The strong opinion expressed by Mr. Webster, in his note of January 1, 1828, is based on the same disclosures: "I am satisfied, *upon my conscience*, that the whole business originated with General Jackson himself." Mr. Webster's shrewd guess about Mr. Buchanan, soon proved him a true prophet.

Notwithstanding Mr. Adams was involved in the accusation, it was chiefly aimed against Mr. Clay. It was never indeed pretended, that Mr. Adams was personally concerned in the alleged negotiations. Even if it had been, his subsequent history would rescue him from the implication. The weight of his letter to the New Jersey committee, in 1829, will be felt by all; and when, as an old man, trembling on the verge of the grave, in 1843, he makes his appeal to the tribunal of "Eternal Justice," declaring that he "will pronounce the charges FALSE" in that place, "should they have found their way to that throne," it is enough! There is no man living, that will presume to question the truth of such evidence.

The certified copy of the action of the legislature of Tennessee on this subject, in 1844, is entitled to special consideration. The letter of General Hamilton to the Hon. John White, which was occasioned by General Jackson's card of the 3d of May, 1844, to the editor of the Nashville Union, reaffirming his charge against Mr. Clay, besides that it is of great force as an expression of his opinion in exculpation of Mr. Clay, and as the evidence of a Jackson man through all that battle, has in it a most remarkable and instructive confession, as to the MOTIVE of the charge against Mr. Clay, in its origin and continuance: "Which constituted the ELECTIONEERING STAPLE of our party, during the four years' war, which ended in our triumph in 1829." How General Hamilton, believing in the innocence of Mr. Clay, and in his character as a man of "unsullied personal honor," as he professes, could lend his name, his influence, and his efforts, to sustain the credit

of, and to give currency to, such an "electioneering staple," false and foul as he knew it to be, and how he could rejoice in a triumph purchased by such means, is a problem for himself to solve. The remarks of General Hamilton, that "it would have been a work of supererogation, on the part of Mr. Clay, to have made a bargain," and that, in going into the state department, "he relinquished a position in the house of representatives, *far more desirable, and of more influence and authority*," are not more forcible, than sensible; and his confession, that "the charge constituted THE electioneering staple," is as true, as it is astonishing!

The communication to the author from Mr. Hale, the editor of the Fayetteville Observer—the same gentleman, who first gave to the public Carter Beverley's letter of the 8th of March, 1827—is important evidence.

Mr. Clay's confidential letter to Judge Brooke, of February 18, 1825, is one of exciting interest. It was sacredly kept, till invoked from its repose by the author, and having been submitted by the judge, it is used, as it ought to be, for the purposes of history. All will see, that it sheds a flood of light on that interesting and momentous point of time. Not designed for a political end, but being a frank communication of private and confidential friendship, it has slept twenty years in the desk of Judge Brooke, though the clearest exposition of that whole matter, that could possibly be given. The extracts from the correspondence between Mr. Clay and Mr. Crawford, will produce some surprise, considering the relations of the two gentlemen.

It will be seen, by the brevity and point of Mr. Clay's note of the 14th of February, 1825, to Judge Brooke, that it was written expressly and solely to ask counsel of a bosom friend: "I am offered the state department. What shall I do?" That counsel was given; and the note of the 18th is a statement of the grounds of decision. These are singularly instructive facts! The extract from Mr. Clay's note to Judge Brooke, of Aug. 14, 1827, is even more remarkable, as it now appears, that Mr. Clay KNEW it, and yet never told it in public! He was too magnanimous!

But the most remarkable witness is poor, unfortunate Carter Beverley! No wonder that Mr. Clay, when interrupted in his speech at Lexington, June 9, 1842, by a voice, which cried out, and called attention to this recantation, turned away from it with disgust and loathing, and said, with great earnestness and emphasis: "I want no testimony—*here, here,* HERE—[repeatedly touch-

ing his heart]—HERE is the best of all witnesses of my innocence."

One can not read Carter Beverley's letter of RECANTATION to Mr. Clay, but with sadness! Sadness, to think of the mischief he was employed to do; sadness, to behold him coming so late, and with such bad grace, to acknowledge his great offence, after having been "long ago convinced;" sadness, in view of the melancholy picture of human frailty, exhibited in himself; and sadness, deep sadness, at the thought, that the example of such a penitent, evincing, as it does, the greatness and turpitude of the crime, in which he had been a participant and leading agent, should have so little effect for good on other offenders, and on the public mind! Alas! he had done an irreparable mischief! A mischief, for which his sorrow can never atone—which his retraction can never obliterate! Doubtless, if he had not been thought fit to do it, another agent would have been found. There is, therefore, this benefit accruing from the selection: He, the first *apostle*, at last CERTIFIES TO THE CRIME, and SEEKS to atone for it!

Some may say, that evidence of this kind, and to the extent given in this chapter, is superfluous. As a portion of history, it is not so; it is not so, in justice to Mr. Clay; it is not so, for the practical uses of political society. One of the greatest and most complicated crimes, in the social and political history of mankind, involving momentous, stupendous consequences, has been committed; and notwithstanding, that one generation has passed away, the wrong is still maintained; the moiety of a great nation have never yet seen it in its true light; hundreds of thousands believe in the wrong, by authority; one class of persons are influenced by one set of facts, another by another; and it therefore becomes necessary, for the attainment of the ends of truth and justice, to exhibit this piece of history in all its essential parts. Setting aside the great fact established in the preceding chapters, *to wit*, that the conspirators have not only failed to exhibit a particle of evidence in support of their charges. but have convicted themselves of the crime they charge on others, it can not but be very striking to all reflecting minds, that the NEGATIVE of the charge, as it respects Mr. Clay, is so fully and completely proved. Nothing within the range of evidence is left, except to exhibit the different forms and degrees of the crime of the conspirators.

It will perhaps be said: "*De mortuis nil, nisi bonum.*" Doubt-

less, this is a good, a charitable, a Christian, and a useful maxim, where public and private justice are not concerned. But neither charity, nor forbearance, can silence the claims of justice.

> "It often falls, in course of common life,
> That right long time is overborne of wrong,
> Through av'rice, or power, or guile, or strife;
> But justice, though her doom she do prolong,
> Yet, at the last, she will her own cause right."—SPENSER.

Justice, with man or God, when it concerns the public, can not yield to charity; and the greater the wrong, so much greater the importance, so much more imperative the duty, of exposure, and of a suitable visitation. Wrong persisted in, is doubly, in a manifold degree, criminal; and if it be a wrong to society, as well as to individuals, it is for that reason still more aggravated. The wrong now under consideration, regards not simply two parties as individuals, but parties composed of numerous individuals. It is a wrong in which society on a large scale, in which a nation, is concerned; and it is a wrong PERSISTED IN. If it had been given up, or atoned for, in such ways as wrongdoers in society are required to atone, the case would have been different, and it would be censurable to keep the subject alive. But justice still sits in the seat of controversy, and demands, not only scrutiny, but her award; and she will never cease to call for it, till judgment is rendered. The aggressive party has made the issue, AND SUSTAINS IT. So far as human judgment is concerned, therefore, it can only be decided by the common rules of evidence. In such a case, so important as respects the party assailed, and so momentous in its bearings on society, it would not only be wrong, but criminal, to let it go by default. It must necessarily be submitted to public judgment, to the judgment of mankind, and of posterity.

CHAPTER XVIII.

THE GREAT CONSPIRACY.

Unity of the Plot.—Another Question.—Witnesses to it.—Singular Result.—The Truth of the whole Matter.—Proposals of Bargain made to Mr. Clay.—One through Mr. Buchanan.—One through Mr. Houston.—Crime and Consequences of the Plot.

In General Jackson's address to the public, July 18th, 1827, he says: "The ORIGIN—the BEGINNING of this matter, was at my own house and fireside—where, surely, a freeman may be permitted to speak on public topics, without having ascribed to him improper designs. *I have not gone into the highways and market-places, to proclaim my opinions.*" Without stopping to reflect, that, of all places, a man's "own fireside" should be sacred to truth, charity, and fairness; or that, considering "the CROWD of company" present, representing all parts of the Union, it was in fact, a scene of publicity somewhat broader than "highways and market-places"—the following certificates and facts will show, that "*the origin—the beginning* of this matter," was NOT at General Jackson's "own house and fireside," on the 8th of March, 1827.*

* "PHILADELPHIA, *October* 2, 1827.

"SIR: In answer to yours of yesterday's date, requesting me to state to you the particulars of some remarks, which you were informed I had heard General Jackson use on the subject of the last presidential election, I have to state, that on my way down the Ohio, from Wheeling to Cincinnati, in the month of March, 1825, on board the steamer *General Neville*, among many other passengers, were General Jackson, and a number of gentlemen from Pennsylvania, some of whom remarked to the general that they regretted that he had not been elected president, instead of Mr. Adams. General Jackson replied, *that if he would have made the same promises and offers to Mr. Clay, that Mr. Adams had done*, he (General Jackson) would then, in that case, have been in the presidential chair. But he would make no promises to any; that, if he went to the presidential chair, he would go with clean hands, and uncontrolled by any one.

"These remarks of General Jackson were made in the hearing of Mr. James Parker, of Chester county, Mr. Wm. Crowsdill, of this city, and myself, and a number of other gentlemen unknown to me.

"I am most respectfully yours, &c., "DANIEL LARGE.

"SAM'L WITHERELL, Esq."

When a witness on the stand begins to lose character, by contradiction of himself, or by manifest pains to conceal truth, or to support error, he breaks down fast with the court, jury, and spec-

"PHILADELPHIA, *Oct.* 5, 1827.

"The statement made by Mr. Daniel Large, in the prefixed letter, is a faithful account of General Jackson's conversation, on the occasion alluded to.

"WILLIAM CROWSDILL."

"In the winter of 1826–'7, Mr. Thos. Sloan, of Brownsville, Pa., in a conversation in my barroom, respecting the election of the president of the United States, and of the corrupt bargain and intrigue which procured his election, expressed his opinion to be, that such practices had been resorted to by Mr. Clay and his friends, and justified his belief by stating, *that General Jackson had informed him so*, in a conversation with him at Brownsville, and which was in substance *the same since communicated to the public by General Jackson.* I further state, that I lately wrote to Mr. Sloan, requesting him to give a certificate of General Jackson's statement to him, but have not received his answer. "RICHARD SIMMS.

"WHEELING, *Dec.* 19, 1827."

"In the winter of 1826–'7, Mr. Thos. Sloan, of Brownsville, in a conversation in my presence, respecting the election of the present president of the United States, and of the corrupt bargain and intrigue, which procured his election, expressed his opinion to be, that such practices had been resorted to by Mr. Clay; and justified his belief, by relating a conversation which he had had with General Jackson on that subject at Brownsville, on his return home from Washington, after the election. Mr. Sloan rehearsed at length the statement made to him by the general, and which was in substance the same since communicated to the public by General Jackson. Mr. Sloan further said, that a company of which he was one, had met the general near to Brownsville, and escorted him into town, which was the occasion on which he had made the communication referred to.

"ALDEN H. HOWE.

"WHEELING, VA., *December* 19, 1827."

☞For the foregoing documents, see Niles's Register, vol. xxxiii.

STATEMENT OF WILLIAM SAMPLE, TRANSMITTED IN A LETTER TO MR. CLAY.

"On Tuesday, the 22d of March, 1825, when General Jackson was on his way from Washington city, to his residence in Tennessee, he, with a number of citizens of Washington, Pennsylvania, and of the county, were in the public house of Mr. Chambers, innkeeper, West Alexandria, Pennsylvania. Mr. Edward McGlaughlin was introduced to the general; and after the common salutation of shaking hands, Mr. E. McGlaughlin said: 'Well, general, we did all we could for you here; but the rascals at Washington cheated you out of it.' To this expression General Jackson made the following reply: 'Indeed, my old friend, there was cheating, and corruption, and bribery, too. The editors of the National Intelligencer were bribed to suppress the publication of honest George Kremer's letter.' Mr. McGlaughlin's introduction was at his own solicitation, in a public house, in the presence of a room-full of gentlemen; and the conversation also in the same public house, in the presence of a large and promiscuous company.

"Samuel Workman, Thomas Morgan, Joseph Henderson, Josiah Trucsdall, William Sample, and others."

"BROWNSVILLE, *February* 28, 1828.

"DEAR SIR: Your favor has been received, and in pursuance of your request, I called on Mr. Sloan, to obtain a certificate of the conversation that took place between him and General Jackson, which he peremptorily refused to give. Therefore, in conformity with your further request, that, in case of a non compliance, I would transmit to you the purport of that conversation delivered to me by Mr. Sloan, that took place between him and the general, I therefore do certify, that I have repeatedly heard him observe, in substance, as follows: That he, Mr. Sloan, was one of a committee, that left Brownsville to meet General Jackson, on his return from Washington city, in 1825; that, while in his company, he observed to the general, that there had been much said, respecting a corrupt bargain and intrigue, pending the presidential election; that he wished to ascertain from him,

tators, and is doomed to severe handling by the opposing counsel. After what has already been disclosed of the character of General Jackson, in the progress of this conspiracy, no one will be sur-

if there was any foundation to justify the report. The general observed, that it was a *delicate* matter for him to treat upon. The general then proceeded to state, that, early one morning, Mr. Clay called on him, at his lodgings, which was quite an unusual circumstance, and after a few compliments had passed, Mr. Clay observed: 'General, I have no doubt of your election now.' The general stated: 'I read his heart, in a moment;' but replied to Mr. Clay, that, 'if elected, he would exercise his best judgment in executing the duties of his office;' that Mr. Clay, meeting with no encouragement, politely bid him good morning, and left the room; and in a few days, he understood, that Mr. Clay had declared himself in favor of John Q. Adams. 'This,' said the general, 'Mr. Clay will not have the hardihood to stand before me and deny.' The general further stated, by way of comment, that there was no doubt, had he observed to Mr. Clay, 'If I am elected, I will do something for you,' that he, Jackson, would have been the president.

"ISAAC BENNET.

"R. McKEE and ALEXANDER CALDWELL, Esqs."

FROM REV. A. WYLIE.

"WASHINGTON, *February* 15, 1828.

"DEAR SIR: I received your note of the 12th ultimo, in which you inform me, that, 'by a letter just received from H. Clay, he expressed a wish to obtain a statement in writing from yourself [Mr. Wylie], giving in detail a substantial account of that portion of the conversation of General Jackson, which related to himself and Mr. Adams, or in other words, the *bargain and sale story*, and that this statement is intended for self-protection only.'

"Your note should have been answered sooner, but that I found myself unable to bring up the conversation alluded to, so distinctly to my recollection, as to give it in detail. The substance of it, even now, is all that I can pretend to give.

"When General Jackson arrived at Bunland's, on his return from Congress, in the spring of 1825, the agitation of the public mind was extreme, from the belief, then prevalent, that his elevation to the presidency had been prevented by intrigue and management, on the part of Messrs. Adams and Clay. My own mind, I confess, was not altogether undisturbed on this subject, feeling, as the head of a family—who, in the common course of nature, must share after me, in the destinies of our beloved country—a deep interest in the preservation of our liberties, which I believed, from what I knew of the history of republics, were not likely to perish in any popular convulsions, until the people themselves should first find their rights invaded by those in power. Feeling, from the force of such considerations, a sympathy for General Jackson, I was induced, though I had no previous personal acquaintance with him, to pay him my respects. The following dialogue took place:—

"*A.* You return, general, from a boisterous campaign.

"*B.* Yes, sir.

"*A.* One in which you were not quite so successful, as in some former ones.

"*B.* My success in those to which you allude, was owing to the firmness of the brave men, whom I had the honor to command.

"*A.* It is more honorable, however, to lose than to win, in such a contest as that lately concluded at the federal city, if, indeed, things were managed, as has been reported.

"*B.* And who can doubt it?

"*A.* Why, general, one would hardly suppose, that such men as J. Q. Adams and H. Clay, would, in the face of the nation, engage in such a transaction.

"*B.* But let any man in his senses, take a view of the circumstances—let him compare, for instance, the prediction of honest George Kremer, with its accomplishment.

"*A.* But were not the talents and local situation of Mr. Clay sufficient to justify the confident expectation of his appointment? There is, however, another circumstance, which, if true, will settle the point.

"*B.* What is that?

"*A.* The proposition that is said to have been made to *you*—is that a *fact?*

prised at the glaring inconsistency of the statement above quoted from his address to the public, of July 18th, 1827, with the facts proved by the documents in the lower margin of this chapter.

"*B.* Yes, sir, such a proposition *was* made. I said to the bearer—'Go, tell Mr Clay, tell Mr. Adams, that, if I go into that chair, I go with clean hands, and a pure heart, and that I had rather see them, together with myself, engulfed to the earth's centre, than to compass it by such means.' The very next day or shortly after (which of the expressions it was, is not now recollected), Mr. Clay and his friends declared for Mr. Adams.

"Such was the conversation, as nearly as can be recollected. It was rapid, and carried on in such a tone of voice, as not to be heard by many in the room. The Messrs. Murdocks, who, I believe, were present, must have heard a part of it. Most of the sentences were not announced in full, but taken up and answered by the parties, as soon as their drift and bearing were understood, except the last, which was pronounced emphatically. Of this I am the more certain, as it made an impression, which was, on my mind, deep and vivid.

"The foregoing statement is at the service of Mr. Clay. The allegations which it contains against him and Mr. Adams, were believed by me at the time, but have, in my view, been losing their evidence, in the course of public inquiry; and now ought either to be sustained by additional proof, or magnanimously abandoned. Otherwise, I should think a reaction in public sentiment may be expected.

"Yours, with respect,

"A. Wylie.

"Thos. M. Griffin, Esq."

"Bowling Green, *February* 23, 1828.

"Dear Sir: Your note of this day has been duly received, requesting me to state, whether or not, I was present at a conversation held by General Jackson, at the Washington Hall tavern, in this town, in the month of April, 1825, when on his way from Washington, in which he made charges of bargain and intrigue against Mr. Adams and Mr. Clay. In answer to the above inquiries, I must state, that I was at the Washington Hall, on the evening after General Jackson's arrival there, when on his way from Washington, in 1825, and heard him conversing freely respecting Mr. Adams, Mr. Clay, and the presidential election, in which conversation I heard General Jackson say, that he would not have the office of president of the United States, if he had to obtain it by bargain, corruption, and intrigue, as Mr. Adams had done. This was the first time I had ever heard the celebrated bargain and intrigue mentioned, which has since made so much noise throughout the United States.

"Respectfully, your obedient servant,

"John Keel.

"Col. R. Johnson."

"Bowling Green, *February* 1, 1828.

"I think it was some time in the month of April, 1825, that General Jackson, on his return from the city, with his family, put up at the Washington Hall tavern, in this place, and remained until the next day, after breakfast. In the course of the afternoon of the day of his arrival, many citizens of this place called to see him. I then lived at the Washington Hall tavern. He appeared to converse freely with the company, who were there, on the subject of the presidential election. I heard him repeatedly speaking of Mr. Adams and Mr. Clay; and in speaking of the presidential election, I understood him to say, that propositions had been made to him [General Jackson], either by or through the friends of Mr. Clay—I do not now distinctly recollect, whether it was *by* Mr. Clay's friends, or *through* Mr. Clay's friends—that, if General Jackson would say he would make Mr. Clay secretary of state, Mr. Clay and his friends would vote for him, and that they would settle the presidential election in one hour; and I further understood General Jackson, that he told the messenger, that he might go back and tell Mr. Clay, that he would rather see the earth open and swallow both himself, Mr. Clay, and their friends, up together, than it should be said he got into the presidential chair by bargain or intrigue, on his part.

"Cuthbert T. Jones."

Apart from the previous disclosures, it would be an astounding development. But as the facts now stand, it is not so much so, though it is a just occasion of wonder. That a man who had been in the *habit* of going, not only "into highways and market-places," but into taverns and steamboats, into promiscuous gatherings and crowds, in many parts, and several states of the Union, "to proclaim" not only *his* "*opinions*," in regard to this matter, but to reaffirm and reiterate all the FACTS alleged to have taken place in the "BARGAIN," and occasionally adding thereunto some very important allegations of fact, with new versions and new comments, equally important—should deliberately and solemnly state, in an address to the public, that he had never done so; that "the ORIGIN —the BEGINNING of this matter, was at his own house and fireside," some two years *after* the statements of the same kind, proved to have been made by himself, at sundry times, in sundry places, to a great number and variety of individuals, in the most public manner—may well be regarded with some astonishment! The conclusion is natural, and will be believed—if the facts stated by these witnesses are correct—that the *habit* of making these statements, was never suspended, from the spring of 1825, to the 8th of March, 1827, when they were made by him at his "own house

"FRANKFORT, Kentucky, *March* 21, 1828.

"DEAR SIR: • • • • • • • • • •

"In your vindication, you refer to a conversation had by General Jackson, in Bowling Green, upon his return from Congress, after the election of Mr. Adams to the presidency. I was present at one of these conversations, when the general observed, in speaking of the late election, that '*the people had been cheated; that, the corruptions and intrigues of Washington had defeated the will of the people, in the election of their president.*' I waited till this branch of the conversation was closed, and finding no palliative, left the company, which was large, and composed of ladies and gentlemen, of the first respectability, and at a public tavern. Several followed, and his remarks became the subject of street conversation, in which I remarked, that, as highly as I was disposed to think of the general, particularly for his military success, I could not approve such a course; that, if corruption existed, and that known to him, he surely should not have been the first to greet Mr. Adams upon his elevation; and that, if you had participated, it was his duty to have exposed it when your nomination was before the senate.

"It may be well to remark, that the general may have thought, that he was wholly surrounded by his political friends, as he had been well received there by the citizens.

"Respectfully, yours,

"J. U. WARING.

"Hon. H. CLAY.

"P. S. By a sense of duty to an injured and much-persecuted man, I have been induced to address this letter to you, and you are at liberty to use it, as you may think proper."

For the foregoing six documents see Niles's Register, vol. XXXIV.

"That General Jackson has spoken of such overtures, *we personally know*."—*U. S. Telegraph, April* 26, 1827. "*We* stated expressly that General Jackson spoke of these overtures, in March, 1825, before he was announced by the legislature of Tennessee as a candidate."—*Ib., April* 28, 1827.

and fireside," in the presence of "a *crowd* of company," from different parts of the Union. It is certain, they were constantly made in the public press devoted to General Jackson's interests, as the annals of the political warfare of that time, will show. It is also certain, that more or less correspondence, in relation to this affair, was, in the meantime, going on, a part of it resting on the *pivot* of the desk of Duff Green, editor of the United States Telegraph, at Washington, which was the central organ of General Jackson. See, in the note, the extracts from that paper, of April 26th and 28th, 1827, in connexion with Mr. Green's correspondence with Mr. Buchanan, in 1826 and 1827, as recognised by the latter in his letter to the public, of August 8th, 1827, parts of which have already been given. Can it be supposed, that this correspondence was limited to this narrow circle? But even this is enough to show that the subject was constantly, uninterruptedly, from the spring of 1825 to the spring of 1827, in agitation, *by correspondence* among General Jackson's friends. And when it is seen that the editor of the Telegraph is in correspondence with Mr. Buchanan, in 1826 and 1827, advising him that he is General Jackson's witness, asking him what he will certify to, &c., can it be imagined that there is no correspondence going on, at the same time, between the editor and General Jackson? It is incontestable that there must have been such a correspondence, direct or indirect—it is no matter which—else how could Gen. Green know that Mr. Buchanan was General Jackson's witness? That the correspondence was *direct*, is most probable. If it were indirect and mediate, it would only prove a more extended ramification of the conspiracy. There is reason to suppose—the evidence is strong enough for a court and jury—that Duff Green was the PIVOT of one, probably not a small, sphere of this correspondence. Most persons will now believe, that General Jackson was in the *habit* of communicating on this subject, with the editor of the Telegraph, directly or indirectly. It was not, perhaps, necessary, that it should be frequent; but the evidence of the editor himself is sufficient to show, that there was a permanent understanding between them. In April, 1827, he says: "That General Jackson has *spoken* of such overtures, *we personally know.*" —"We stated *explicitly*, that General Jackson spoke of these overtures in March, 1825."

All this leads to a very important practical inference, viz., that this "crowd of company" at the Hermitage, March 8th, 1827,

among whom were "seven Virginians," were not there for nothing —more especially when it is considered, that the statement, prolific of such momentous results, which was at that time and place made "before all the company," was that very day posted off by Mr. Beverley, to be proclaimed publicly throughout the Union! After what has been proved, even Charity, with all her heavenly kindness, can hardly spread her mantle broad enough, to "hide" such "a multitude of sins," as seem bundled up in this complicated affair.

Admitting for a moment—what a just ground of suspicion would seem now to suggest—that this "crowd of company," with "seven Virginians," were at the Hermitage on more important business than mere compliment; that it was a common feeling of this deliberative conclave, that the exigencies of the campaign before them, demanded a ROUSER; that the *old* charge of "bargain and sale," against Messrs. Adams and Clay, on its *old* basis, without any tangible responsibility, although it had done well, had become rather stale; that, though all the faithful, after the example of their leader, had not ceased to proclaim it, in "highways and market-places," in taverns and steamboats, on their journeys, and through the press, still there was nobody to say, "I will stand to it;" that a new edition, with improvements, and a responsible utterance, was required; and that, if General Jackson would now and henceforth "*take* the responsibility," it would go like wildfire! Would not the party sustain him, and carry him through? Ways had been devised to manage it hitherto, under the old aspects of the plan, and all responsibility had been successfully evaded. It was a bold push at first; it required nothing but boldness to carry it on to a consummation.

It is not necessary to suppose, that a formal debate of this kind was passed through, to establish the probability of such a new organization of the conspiracy. Men, so disposed, may have such thoughts, when they dare not give them an audible expression in so many words. It was enough that the question should have been asked General Jackson in the presence of that "crowd of company," as is admitted, and as was published by themselves;—enough that he should have answered it, "freely and frankly, having no motive for concealment," as he acknowledges he did;—enough, that every man in that presence had common sense, to see, at a glance, the scope, bearing, and tremendous energy, on the public mind, of such an open declaration, from such authority.

and for public use. Nothing more was required; and it would have been a miracle, if it had not been published, when no restriction was imposed. It would have been next to a miracle, if every one present had not understood, as distinctly as if it were announced in set phrase, that it was *intended* to be published, *as coming from General Jackson himself.* If it was not so understood, why did Mr. Beverley go and publish it that very day? And if it was not so intended, why was he never rebuked for it? If it was not so intended, why did General Jackson so kindly reply to Mr. Beverley's letter of the 15th of May, from Louisville, which confessed what he had done, and give him a new and corrected edition of the story, with minute and circumstantial detail, enjoining him (Mr. Beverley) to "CORRECT" his own version by this, as appears in General Jackson's letter of the 6th of June, 1827?

In this view, the meeting of General Jackson's friends at the Hermitage, in March, 1827, from all parts of the Union, was a very important and momentous one. They had made a good start of the "bargain and sale" story in the first place, and a good use of it for more than two years—if the certificates in this chapter may be taken in evidence. It had turned out a vastly productive capital, gone abroad, and infected the entire mind of the nation. Let it go forth in this new form, from this point, endorsed by such authority, giving certainty to that which was before uncertain, and what could stand before it, for the presidential campaign then about to open? There might be difficulties, but they must be braved. The responsibility must be assumed. The advantages must necessarily be a thousand to one of the disadvantages. Such were the FACTS, and such are the *supposed* reasons. If anybody can find better reasons, it is fair to propound them. The FACTS abide.

A word on the evidence contai ed in this chapter, as compared with General Jackson's declaration of July 18th, 1827, that "the ORIGIN—the BEGINNING of this matter [the controversy as it stood at that time, himself the accuser], was at my own house and fireside. . . . *I have not gone into highways and market-places to proclaim my opinions.*" If this were a casual statement, made in conversation, where the notes of memory might be supposed to lie hidden in the rubbish of the mind, it ought not, perhaps, to be severely criticised, though it were not exactly true. But it is a deliberate, solemn asseveration, carefully prepared for the public eye, for important, not to say for momentous public purposes. It

is made with the air and apparent confidence of truth; and the author, after having taken up this position, turns round, and by allusion to facts of some notoriety, implicates Mr. Clay in the impropriety, which he himself so openly disclaims: "In this, I feel, that I have differed from some who, even at public dinner-tables, have not scrupled to consider me a legitimate subject of speech, for the entertainment of the company." There is, therefore, a twofold responsibility here: first, for the correctness of the statement, and next, for the self-glorifying accusation, that is brought forward, on the assumption, and in comparison of the statement as a fact. But it is painful to observe how far the statement varies from truth, according to the evidence of these witnesses. Duff Green, editor of the Telegraph, most friendly to himself, would seem to prove, in this and another place, that General Jackson had not only uttered this charge, on his own responsibility, before he left Washington, in the spring of 1825, but it may fairly be inferred, as before shown, that in the interval, down to the spring of 1827, he was in communication with the editor of that journal, on the assumption of the truth of this charge, with a view to future action! The evidence is conclusive, that, when he made his public entry into Brownsville, Pa., on his return home, in the spring of 1825, he was very open and unreserved, in representing these charges as worthy of full credit; and one of the witnesses, Isaac Bennet, gives a very extraordinary version to one of these statements, by which the idea is clearly conveyed, that Mr. Clay himself called on General Jackson early one morning, on the errand of "bargain," and was repulsed! The usual form of the story is supported by several witnesses, as having been publicly rehearsed by General Jackson, at Brownsville, at Washington, at East Alexandria, all in Pennsylvania; on the steamboat Neville, in descending the Ohio; at Bowling Green, Kentucky, and other places. The dialogue "at Bunland's," between General Jackson and the Rev. Mr. Wylie, who called on him as a friend, to express a sympathy and concern for the fraud practised on the general by the "bargain," is remarkable and instructive, in which the general commits himself most especially, decidedly, and emphatically, in the charge on Messrs. Adams and Clay. At Bowling Green, so much was said by General Jackson on this subject, and in the presence of so many persons, that it became a topic of "street conversation." It would seem, that he was full of the matter, throughout his journey, from the city of Washington to the Her-

mitage, in the spring of 1825. The evidence, circumstantial and presumptive, of its having been in continual agitation, between himself and others, by correspondence and otherwise, from that time to the spring of 1827, can hardly be other than convincing. And yet he solemnly avers, that "the *origin*—the *beginning* of this matter, was at his own house and fireside," on the 8th of March, 1827!

The reasons of this new start of the accusation, in the spring of 1827, in the manner, and under the circumstances, related, are obvious. In the first place, the charge had not been regarded as having a definite, tangible responsibility. Though a man talks "in highways and market-places," in taverns and steamboats, and thereby excites attention, makes an impression, and causes others to talk, if he is a man of consequence, and his topic is interesting, still it is not like coming out before the public, in a solemn documentary form, supporting it by his name. Common gossip is heard only by a few, and has comparatively a limited influence. But public epistles, on political themes, from distinguished persons, go everywhere, and go quickly. On a subject of so much interest, as that now under consideration, at such a time, the new form, and definite responsibility, under which it was sent forth, attracted the attention of the whole nation at once, and was electrifying in its effect. From the comparatively dull round, into which the story had fallen, it was lifted and put in the circle of the winds; the clouds were charged with it; and they swept over the land with the roar of a tempest, discharging their fires in every direction, on every hill and plain.

It is now placed beyond denial, by the evidence on record, that the suggestion was made, and apparently entertained, in the interview between General Jackson and Mr. Buchanan, that "it was right to fight the intriguers with their own weapons." There is no evidence from any quarter, except his own statement, that General Jackson was offended at this suggestion; but, on the contrary, that it was not disagreeable to him. When he afterward imbibed, or conceived, or began to cherish, what Mr. Buchanan calls his "erroneous impression," his "mistake," *to wit*, that Mr. Clay, or Mr. Clay's friends, or both, had made overtures—"a proposition of bargain"—to HIM (General Jackson), THIS was very offensive; and admitting its truth, it ought to have been so. It will be observed, that this is what he affects to quarrel with. But Mr.

Buchanan, his ONLY witness, says, it is all a "mistake," an "erroneous impression;" and he goes on to tell, how the general *probably* came by it, as before seen.

Mr. Buchanan, doubtless willing to support the general, as well as he could, having read the general's address, and not unnaturally surveyed his own position, present and prospective, seems disposed to indulge the general's taste for strong expressions in compliment to himself, and recites one of them, used in this interview—a little profane—but bearing on a very different point from that of an overture from Mr. Clay to General Jackson. Mr. Buchanan, as appears by the evidence, had approached the general for two objects: To ascertain, first, whether General Jackson had said, as was rumored, that he, if elected president, should continue Mr. Adams secretary of state. This point was settled by the interview, according to Mr. Buchanan, that he had not said so. But Mr. Buchanan and Mr. Markley had agreed—and it was especially an object with Mr. Buchanan, for his ulterior designs—that it was important to gain one point more with the general, viz., to get him to say, that he would *not* continue, or appoint, Mr. Adams. This, it seems, according to Mr. Buchanan the general declined, and, in doing so, is represented by Mr. B. as using the following strong expressions:—

"These were secrets he would keep to himself; he would conceal them from the very hairs of his head; if he believed his right hand then knew what his left would do, on the subject of appointments to office, he would cut it off, and cast it into the fire; and if he should ever be elected president, it would be without solicitation, or intrigue, on his part."

This, in any other case, might naturally be a sweet little morceau to the general. But it is not a message to Mr. Clay and his friends; there is no fury in it; no opening of the earth to swallow up all parties; but, what ought to be satisfactory to anybody, not over-exacting, there is a martyr-spirit in it, and at least a high *pretension* to extraordinary virtue. Nor does this apply to an overture from Mr. Clay, or friends, to General Jackson; but to *one part* of a proposal coming from his *own* friends. He was not quite prepared to go that far. It is, in short, a *disclaimer* of "intrigue," at the very moment, and in the act by which he consents to it! His right hand does not know what his left is doing, and by his own rule, he is entitled to save both. Has not Mr. Buchanan told him what the plan is, and does he not consent to it all?

It should be observed, that these witnesses are not giving evidence in court, under the solemn sanction, "to tell the truth, the whole truth, and nothing but the truth;" but each one is telling a story for his own personal end—an end in which his strongest passions are concerned—in the case of General Jackson most especially. Mr. Buchanan is telling a story to get out of a difficulty, in which not only he, but his chief, is involved. It is not proposed here to assail their evidence, any further than they have done it among themselves; but it is proper to suggest, that, not being obliged to tell the *whole* truth, they have probably confined themselves chiefly to that which suits their own purposes; and it need not be said, that a fact omitted, is sometimes essential to the truth. It is not supposed, for example, that Mr. Buchanan has narrated everything that took place between him and General Jackson. By going back to Mr. Markley's story, much light is cast upon this interview. Mr. Buchanan, however, has said enough to develop the kernel of the treason, viewing it in connexion with what *all* of them have said. Observe, with what caution he begins:—

"While we were walking together upon the street, I introduced the subject. I told him, I wished to ask him a question, in relation to the presidential election; that I knew he was unwilling to converse upon the subject; that, therefore, if he deemed the question improper, he might refuse to give it an answer; that my only motive in asking it, was friendship for him; and I trusted he would excuse me, for thus introducing a subject, about which I knew he wished to be silent."

This language suggests two thoughts: First, the unction of flattery is pretty copiously employed. It does not appear, from all that has transpired, that the general was so reluctant to talk upon this subject; it does not appear, that he was a man of such exquisite delicacy of feeling. It is manifest, from the AIR of this story that Mr. Buchanan felt some solicitude about the result of his errand. Why? Had he a proposal to make, that would shock General Jackson? General Jackson avers, that a "proposition of bargain" *was* made to him on that occasion, though Mr. Buchanan has very philosophically shown, how he [the general] fell into an error.

Mr. Buchanan continues:—

"His reply was complimentary to myself, and accompanied with a request, that I would proceed. I then stated to him, there was a report in circulation, that he had determined he would appoint Mr. Adams secretary of state, in case he were elected presi-

dent, and that I wished to ascertain from him, whether he had ever intimated such an intention; *that he must at once perceive how injurious to his election such a report might be;* that no doubt there were several able and ambitious men in the country—*among whom I thought Mr. Clay might be included*—who were aspiring to that office; and, if it were believed, he had already determined to appoint his chief competitor, it might have a most unhappy effect upon their exertions, and those of their friends; that, unless he had determined, I thought this report should be promptly contradicted, under his own authority. I mentioned it had already done him some injury, and proceeded to relate to him the substance of the conversation I had held with Mr. Markley."

The above citation from Mr. Buchanan, will probably receive some light by collateral citations from Mr. Markley and Major Eaton. Mr. Markley says:—

"Mr. Buchanan asked, if I had seen Mr. Clay, and whether I had had any conversation with him, touching the presidential election. I replied, that I had seen him in the house, but had had no conversation with him on that subject; but said, I was anxious to get an opportunity to have a conversation with him, as I felt a great anxiety, that he should vote with Pennsylvania. Mr. Buchanan replied, that no one felt more anxious, *for various reasons*, than he did himself; *that it was important, not only for the success of General Jackson's election, that Mr. Clay should vote with Pennsylvania, but on account of his* ULTERIOR POLITICAL PROSPECTS, *declaring, that he* [*Mr. B.*] *hoped to see Mr. Clay president of the United States; and that was another reason why he should like to see Mr. Clay secretary of state, in case General Jackson were elected, and that, if he were certain that Mr. Clay's views were favorable to General Jackson's election, he would take an opportunity of talking with General Jackson on the subject, or get Major Eaton to do so; that he thought, by doing so, he would confer a particular benefit on the country, and that he could see* NOTHING WRONG IN IT."

Mr. Markley says further:—

"From the recollection I have of the conversation, my impressions are, that the object of his [Mr. B.'s] visit that evening, was to urge the propriety of my seeing Mr. Clay, and to give him my views as to the importance of his identifying himself with Pennsylvania, in the support of General Jackson. I entertained no doubt, that Mr. Buchanan was honestly determined, that no exertions on his part should be wanting, and that he felt confident he could speak with certainty, as to the great mass of General Jackson's friends, that, in case of the election of General Jackson, they would press upon him the appointment of Mr. Clay, as secretary of state. Mr. Buchanan *concurred* with me in opinion, that Pennsylvania

would prefer Mr. Clay's appointment, to that of any other person, as secretary of state; and from the obligation the general was under to Pennsylvania, that he would go far to gratify her wishes, and that, therefore, *he believed, if the general were elected, he would appoint Mr. Clay.*"

Major Eaton says:—

"In January, 1825, a few days before it had been known, that Mr. Clay and his friends had declared in favor of Mr. Adams, I was called upon by Mr. Buchanan, of Pennsylvania. He said, it was pretty well ascertained, that overtures were making by the friends of Adams, on the subject of *cabinet appointments; that Jackson should fight them with their own weapons.* He said, the opinion was, that Jackson would retain Adams [who was then secretary of state under Mr. Monroe], and that it was doing him injury; that the general should state whom he would make secretary of state, and desired, that I would name it to him. Mr. Buchanan remarked, if he will merely say, he will not retain Mr. Adams, that will answer. I replied, that he [Mr. B.] knew him [Jackson] well, and might talk with him, as well as I could. Mr. Buchanan then said, that on the next day, before the general went to the capitol, he would call. He did so, as I afterward understood."

Now, put THAT, and THAT, and THAT, together—Mr. Buchanan's talk with General Jackson, as represented by himself, and his talk with Mr. Markley and Major Eaton, as represented by them—and this matter stands in new and clear light. It was not to be expected, that Mr. Buchanan would rehearse to the public, everything he had said in such a private, confidential conversation with General Jackson. No man is bound to give evidence against himself. But, from this programme, previously laid out, in conversations with Mr. Markley and Major Eaton, the whole plan is opened up to view, *in detail.*

From the three narratives, of Mr. Buchanan, Mr. Markley, and Major Eaton, it may fairly be gathered: 1. That Mr. Buchanan was intent on bringing Mr. Clay to the support of General Jackson. 2. That he felt the importance of opening a communication with Mr. Clay on the subject. 3. That it was right to fight "bargain and intrigue" *with* bargain and intrigue. 4. That a negotiation was to be opened with Mr. Clay regarding the state department, and the succession. 5. That it was necessary to have an interview with General Jackson to consummate the plan. 6. That this interview terminated auspiciously for the object in view.

In consideration of these facts, all of which clearly appear from the documents published to the world by these parties, no one will be surprised at the following occurrence:—

Some time in January, eighteen hundred and twenty-five, *and not long before the election of president of the United States by the house of representatives, the Hon. James Buchanan, then a member of the house, and afterward many years a senator of the United States, from Pennsylvania, who had been a zealous and influential supporter of General Jackson in the preceding canvass, and was supposed to enjoy his unbounded confidence, called at the lodgings of Mr. Clay, in the city of Washington. Mr. Clay was at the time in the room of his only messmate in the house, his intimate and confidential friend, the Hon. R. P. Letcher, since governor of Kentucky, then also a member of the house. Shortly after Mr. Buchanan's entry into the room, he introduced the subject of the approaching presidential election, and spoke of the certainty of the election of his favorite, adding, that "he would form the most splendid cabinet, that the country had ever had." Mr. Letcher asked, "How could he have one more distinguished than that of Mr. Jefferson, in which were both Madison and Gallatin? Where would he be able to find equally eminent men?" Mr. Buchanan replied, that* "HE WOULD NOT GO OUT OF THIS ROOM FOR A SECRETARY OF STATE," LOOKING AT MR. CLAY. *This gentleman (Mr. Clay) playfully remarked, that "he thought there was no timber there fit for a cabinet officer, unless it were Mr. Buchanan himself."*

Mr. Clay, while he was so hotly assailed with the charge of bargain, intrigue, and corruption, during the administration of Mr. Adams, notified Mr. Buchanan of his intention to publish the above occurrence; but, by the earnest entreaties of that gentleman, he was induced to forbear doing so.

The author has understood, that several times in later years, it has been intimated to Mr. Buchanan, that it might be his (Mr. Clay's) duty to publish these facts, and that he was dissuaded from it by Mr. Buchanan.

No one will doubt the character, purport, and aim of this errand; nor is it necessary to say what it proves. The long agony is over, and the proposal is submitted: "HE [GENERAL JACKSON] WOULD NOT GO OUT OF THIS ROOM FOR A SECRETARY OF STATE," with his eye fixed on Mr. Clay.

It is very probable, that when this marked and indirect overture

was made to Mr. Clay, he did not suspect the design of Mr. Buchanan to tamper with him. At that time he could not have known of the interview between General Jackson and Mr. Buchanan, nor of the opinion and advice of Mr. Buchanan, that the intrigues which he imputed to the Adams party, should be met by intrigues in behalf of General Jackson. But connecting that overture with the agency and conduct of Mr. Buchanan in the presidential election of 1825, as now disclosed, no one can doubt the design of this call on Mr. Clay.

Though Mr. Letcher, from the delicacy of his position in this matter, could never *volunteer* his evidence, in regard to Mr. Buchanan's errand to Mr. Clay, as above narrated, it is clear, that Mr. Clay had a right, at any time, in self-defence, to make a witness of Mr. Letcher. It was a rare magnanimity to suffer injustice—and *such* injustice—so long, to spare the feelings of a political opponent, who had slender claims for such a favor, after his letter to the editor of the United States Telegraph, of October 16, 1827.

It is said, that time brings all things to light. It is not equally true, however, that all things are brought to light in time. Had it been known from the beginning of this controversy, as now it must be known, that, so far as there was any intrigue, bargain, and corruption, in the election of president by the house of representatives, in 1825, it was all and exclusively with those who brought the charge, how different would have been the destiny of numerous individuals, and how different the destiny of the country!

There is a collateral witness to this disclosure, having respect to what passed between him and a collateral agent of General Jackson, showing very satisfactorily that the general had authorized some of his friends, at an early period, to negotiate with Mr. Clay, which corroborates the inference so naturally deduced, that Mr. Buchanan was not unauthorized in the advance he made to Mr. Clay. It is the Hon. J. Sloane, of the Ohio delegation, in the house of representatives, which elected Mr. Adams to the presidency, who is one of the witnesses in *proof of a negative*, before noticed. His evidence on this point, is as follows:—

"WOOSTER (OHIO), *June* 20, 1844.

"In December, 1824, about the same time that the choice of president by the house of representatives, was beginning to attract attention at Washington, I happened in company with General Houston [Samuel, since president of Texas], then a member of Congress from Tennessee, when the subject of that election was introduced by him. Although the subject of the presidential elec-

tion, from the time of the commencement of the canvass before the people, had been fully discussed between us, this was the first time, after the people had failed to elect, that we had conversed in relation to it. General Houston commenced by suggesting, that he supposed the Ohio delegation were all going to vote for General Jackson. To this, I answered, that I could not undertake to speak for them, for, so far as I knew, no meeting or consultation had taken place among them. The manner of General Houston was anxious, and evinced much solicitude, and at this point of the conversation, he exclaimed: 'What a splendid administration it would make, with Old Hickory for president, and Mr. Clay secretary of state!' Having often before expressed to General Houston my opinion of the several candidates, I did not, at that time, think proper to repeat it, contenting myself with an implied acquiescence in the correctness of his declaration.

"The conversation was continued for a considerable time, and for the most part, had relation to western interests, as connected with the presidency, and was concluded by General Houston's observing: 'Well, I hope you, from Ohio, will aid us in electing General Jackson, and then, your man—meaning Mr. Clay—CAN HAVE ANYTHING HE PLEASES.'

"These expressions of General Houston made a strong impression on my mind at that time, and from the relations known to subsist between him and General Jackson, I had not then, nor at any time since, a doubt, but that they embodied the feelings of that personage, and that it was the object of both, that Mr. Clay and his friends should so understand it. And I have ever thought, that the slanderous charge of 'bargain, corruption, and intrigue,' subsequently preferred by General Jackson against Mr. Clay and his friends, had its origin in the utter neglect, with which every advance made to them, by the friends of General Jackson, was treated.

"In a letter written by me, dated Wooster, May 9, 1827, and appended to Mr. Clay's address to the public of that year, I referred to the importunity of some of General Jackson's friends, as indicative of a disposition to enter into a bargain. In that remark, I had in my mind, among other things, these observations of General Houston. Should it now be asked, why I did not then divulge the whole, my answer is, that, although I held myself at all times ready to do so, if called upon, I did not then consider it necessary. The only question then before the public was, the charge, that Mr. Clay's friends had made propositions to Jackson for a bargain. It was to repel that charge, that my letter, above mentioned, was written, and I chose to confine my statements to the nature of the issue. General Jackson most signally failed, being flatly contradicted by his only witness.

"J. SLOANE."

The remarkable coincidence between General Houston's and Mr. Buchanan's mode of managing this business, is too strong an indication of concert and plan, not to make an impression. And admitting such concert, and with the concert, AUTHORITY for such action, the additional disclosure of this statement of Mr. Sloane, is not simply remarkable, but startling! Admitting these two things—which, certainly, seem to have no slender claim for admission—every reasonable man will be compelled to believe, that General Jackson came to Washington city, at the opening of Congress, in December, 1824, with a determination to INDUCE Mr. Clay to his support, or to DESTROY him! This advance of General Houston to Mr. Sloane, was made in December, "about the same time that the choice of president by the house of representatives, was beginning to attract attention at Washington." Of course, it was at a very early period of the session, and could not be later than Christmas, as it was then officially certified at the seat of government, that Mr. Clay was not returned to the house. At this early period, one of the most intimate and confidential friends of General Jackson, himself a member of the house from Tennessee, approaches a member of the Ohio delegation, *and in so many words, makes an offer of bargain, obviously designed to be carried to* MR. CLAY! Such was the *manner* of this overture, and such "the *relations* subsisting between General Houston and General Jackson," that Mr. Sloane says: "I had not then, nor at any time since, a doubt, but that they [the words] *embodied* the feelings of that personage [General Jackson], and that it was the object of BOTH, that Mr. Clay and his friends should *so understand it!*" Having been prepared for action of this kind, as early at least as Christmas, no one will be surprised at the zeal and system, with which it was prosecuted, by other agents, as proved by their own documents, until, some time in the course of the month of January, Mr. Buchanan had the boldness to approach Mr. Clay himself, in almost precisely the same terms, employed by General Houston in his address to Mr. Sloane! The beginning, the middle, and the end, ALL AGREE!

The RELATIVE POSITION of the conspirators in the OUTSET and in the END, is worthy of notice. In the OUTSET—as will have been seen, by the documents and evidence in the preceding pages—they acted in *concert—harmoniously*. They had ONE OBJECT, after they found that Mr. Clay could not be bought, viz·

to put him out of the path of General Jackson. They had in the first place acted in harmony, in the conception and offer of INDUCEMENTS to Mr. Clay, to support General Jackson, by intimating to him, that, in that case, he might have the office of secretary of state. This was the plan of Mr. Buchanan, as appears by his interviews with Major Eaton, Mr. Markley, and General Jackson himself, when all that these four persons state respectively, is *collated*, taking that only in which they do not come into conflict with each other. And it will be found by a reference to Mr. Markley's letter, that Mr. Buchanan's plan went further than this, and proposed to open Mr. Clay's path to the presidency, as the successor of General Jackson, on condition of his coming to the support of the general at this time. "He [Mr. Buchanan] hoped to see Mr. Clay president of the United States, and that was another reason why he should like to see Mr. Clay secretary of state, in case General Jackson were elected." But though this was a part of the plan of *inducements*, to be offered to Mr. Clay, it is not in evidence that Mr. Buchanan found any encouragement to suggest to Mr. Clay this idea of his "ulterior political prospects," as he calls them, in his conversation with Mr. Markley. The manner of his treatment, after he had ventured on the offer of the *secretaryship* to Mr. Clay, was too chilling to follow it up with the offer of the succession to the presidency. Nor does it appear in the *documents* that this "ulterior" view was discussed between General Jackson and Mr. Buchanan, though it might have been. It is not proposed here to take any ground not supported by the documents adduced. But Mr. Buchanan admits, that he mentioned the name of Mr. Clay to General Jackson, as his prospective—of course, contingent—secretary of state; and the manner in which he mentions it, evinces that it must have been well considered, and the result of the interview shows, that the suggestion was at least tacitly connived at by General Jackson. I is sufficiently manifest, by all that has been shown, that there was no want of harmony in the *outset* of this plot.

But when, on the eve of the presidential campaign of 1828, General Jackson had made up his mind, to put the charge against Mr. Adams and Mr. Clay on a new basis, to start it under a new flag, himself the leader, *in an open field*, he and his friends immediately got into difficulty—got each other in—and were obliged to write letters to the public, to get themselves out. These documents, unfortunately for the parties, having been written on the principle

of *sauve qui peut*—save himself who can—each one, as has been seen, contained shots enough to kill the authors of the others more than once. They were placed in new positions relative to each other—not designedly hostile, but necessarily so. There is no evidence, but that the general and Mr. Buchanan, till this period, had acted in concert—harmoniously; and Mr. B. intimates, in his letter, that they had uninterrupted correspondence: "In all our intercourse since, whether personally, or in the *course* of our correspondence," &c.

But Carter Beverley's awkward management at Wheeling, had put things out, and apparently precipitated a crisis. "It," the business, says Mr. Beverley, in his letter to Duff Green, of June 25th, 1827, "has not taken the course I exactly calculated upon." The consequence was, that Mr. Clay, in his address to the public, of June 29th, 1827, came down upon General Jackson, in an unexpected moment, which brought forth the general's missive of July 18th, 1827—the most unfortunate document for history, that he could possibly have written, however it might have availed him for popular purposes at the time. As elsewhere remarked, he had no time to consult with Mr. Buchanan for this new exigency, and he literally immolated his "distinguished" friend of Pennsylvania. Mr. Buchanan, in self-defence, is compelled to sacrifice General Jackson, though he does it in the politest and most obsequious style; and in the course of his vindication, he calls out his old friend, the Hon. P. S. Markley, in a complaint of injustice, whose letter, take it all in all, as before seen, is another fatal battery opened on Mr. Buchanan. Major Eaton also appears in the field to help the parties in difficulty. Mr. Buchanan might well say, "Save me from my *friends*, and I will take care of my *foes*." Major Eaton's evidence is more unfortunate for Mr. Buchanan, than all the rest, and leaves no door of escape. He came out ostensibly to answer what he regarded as a reflection of Mr. Clay on himself, and kills a friend in an endeavor to serve him!

All these documents were published by men in difficulty, to get out, and it would be hard to show, whether they were more instruments of fratricide than of suicide. In both these functions they have been most murderous. General Jackson kills Mr. Buchanan; Mr. Buchanan kills General Jackson; and Major Eaton, in trying to save Mr. Buchanan, kills him over again! The major, too, had been badly maimed, in an encounter with Mr. Clay, before he came to the help of his friend. Having called Mr. Clay to account for intimating that he (Major Eaton), wrote or dictated Mr. Kre-

mer's "card," Mr. Clay replied, that he would be most happy to do him the justice of publicly correcting the error, if he (Major Eaton) would say it was an error. The major's conscience or fears stopped him there.

While, therefore, these gentlemen were sufficiently harmonious in counsel, for a *common* end, each seems to have been for HIMSELF, in a change of relative position—in a strait.

One of the latest attempts to support the charge of "bargain" against Mr. Clay, for political effect, was by the Hon. Lynn Boyd, of Kentucky, on the floor of the house of Representatives, in Congress, April 30th, 1844. It grew out of General Jackson's card of May 3, 1844, re-affirming the charge, though there were several steps between the one event and the other. Mr. Boyd had published a letter in the Richmond Enquirer, which occasioned some strictures by the Hon. John White, in Congress, April 23, and on the 30th, Mr. Boyd replied, and went over the whole ground of the "bargain." He did the best he could, after the subject had been for many years exhausted; and the strongest point he made, which he seemed much to rely upon, is what he calls "*controlling the event.*" Mr. Clay's friends at Washington *published* an address, in May, 1824, in which they said, "If, contrary to all probability, Mr. Clay should not be returned to the house, his friends, having done their duty, will be able, *by concentration, to control the event.*" This appeared to be the pivot of the argument. But this was *published to the world.* The absurdity of proving a secret bargain, *on a public address*, would seem to indicate great poverty. It is well known, that such language is always used by the stronger party: "We can control the event." Do they not always know and say it, when they go into Congress, or any other field of action, with a majority?

Mr. Boyd was decidedly unfair and ungenerous, in citing Gov. Metcalf's remark, in this argument, which was made to the Hon. R. M. Johnson, late vice-president, in a private conversation, to wit, "Perhaps we have done too much for our friend" (Mr. Clay), as if it were a confession of *bargain*, when Mr. Boyd could hardly have been ignorant of the existence of a certificate relating to this very remark, from under Mr. Johnson's own hand of which the following is an extract:—

"I did not consider, in any of his [Gov. Metcalf's] remarks, that he alluded to any bargain; nor did I understand that he had

reference to any previous understanding on the subject of the pres idential election.

"*April 4th*, 1828." "RH. M. JOHNSON.

Mr. Boyd, after all, makes a confession, which is all that is required: "Although *impartial* men may believe, *as I do myself*, that there was no *technical* bargain entered into between Mr. Adams and Mr. Clay, in their own proper persons, yet it does seem to me, that no one free from prejudice, can carefully examine the circumstances and evidences in the case, without the most thorough conviction, that it was understood by the parties, that Mr. Clay's appointment to the office of secretary of state would result from the election of Mr. Adams."

Without conceding all that Mr. Boyd here claims—though there is no harm even in that—he, certainly, has conceded enough. He admits, that "*impartial* men," and himself—of course claiming to be one—do not believe there was any "technical bargain"—by which he doubtless means a criminal understanding—"between Mr. Adams and Mr. Clay." He claims, indeed, that it was understood, that Mr. Clay would be secretary of state. Is it not always understood, among partisans, in such cases, who will occupy this or that place? General Hamilton, a Jackson man, says in his letter on another page, it was "inevitable," that Mr. Clay should be secretary of state, and justifies him throughout. Some Jackson men, as is proved, insisted upon it.

It is very certain, after this effort of Mr. Boyd, in 1844, who had the whole field before him, who is a very able man, and who wished to justify General Jackson's card of the same year, by proving all he could, that the argument is pretty well exhausted, and the end of it, *by his own confession*, IS AN ACQUITTAL OF MR. CLAY!!

THE CRIME AND CONSEQUENCES of this plot, claim a moment's notice. That it has profoundly affected the destiny of the parties, and of the country, no one can doubt. The first announcement of the charge, was a shock to the whole American mind, as well it might be. To that hour, Mr. Clay's reputation had been pure, unsullied. His public services, great and unrivalled, were acknowledged and appreciated. High—and as respects a well-earned influence, the HIGHEST—in the councils of the nation, his private virtues and his undoubted patriotism were not less esteemed. With a reputation at home untarnished his

fame as an advocate of human rights and of political freedom, and as a statesman, had gone widely abroad, sounded over every continent, and penetrated to the centres of vast spheres of despotism, to shake the thrones of tyrants, and to give hope to the oppressed. It was against a statesman, occupying such a position in the social state of mankind, and enjoying such a reputation, earned by a life of virtuous toil, that the charge of bargaining for an office, which could not elevate him—which was a condescension for him to accept—was concocted and sent forth upon the world! Well, indeed, might the nation be astounded! But the author of this calumny—the first to conceive and the last to maintain it—not only claimed to be a rival, but was the HEAD of a party; and it was, therefore, a moral certainty, however false, and infamous, and criminal, the accusation might be, that it would at once be received, and entertained by his adherents, as a household word, an article of creed. Under these circumstances, and by means of such an auxiliary, it shot forth from the furnace of its fabrication, to obtain an instantaneous lodgment in a large portion of the public mind, from which, thenceforth, it was impossible to dislodge it. It was, indeed, an audacious movement; and its very audacity served to give it credence. After the first shock, every inquiring mind naturally asked: "Would responsible men originate and circulate such a story, against such a man, without foundation?" Investigation being thwarted by such means as have been noticed, as a part of the plot, it was impossible to settle the general mind. The public neither saw, much less understood, the arts of such a conspiration. There was the charge, and there the endorsers—the latter, indeed, not visible at first, but well understood. It was hard to shake the public faith in Henry Clay; but these men were worthy of some respect. The charge was kept afloat, without permitting investigation; it was cherished by thousands, by tens of thousands, as a thing most welcome; it was not allowed to sleep, either in time, or space; and at last, by constant agitation, under such circumstances, became an UNCERTAINTY! By such means, the public faith in Mr. Clay was first shaken, then permanently impaired. Then who—what power—could reëstablish it?

The same has been the effect on the destiny of the country, whether for good, or for evil. If Mr. Clay's patriotism was true the pretensions of the conspirators were false; if his principles were sound, theirs were unsound; if his policy was conserva tive of, and calculated to promote, the best interests of the

country, theirs was destructive; and hence the public conflicts, and the public calamities, that have befallen the country, since this conspiracy began to triumph. It hardly need be said, that it has been an uninterrupted scene of domestic strife and public disaster.

But the most fearful lesson inculcated, in the results of this plot, is, that crime, in a republic, may triumph over virtue, and be rewarded. That the judgment of mankind, and of history, in regard to these transactions, will be right, there is no room for doubt; it is even possible, that the present generation of the people of the United States, should see the injustice they have done to one of the greatest and purest men, that was ever born on American soil; nevertheless, this experience of the past is disheartening to the aspirations of patriotism, and throws a gloom over the hopes of good men. It has been proved that the purest reputation of a patriot and statesman, who may have gained his eminence by a life of constant self-sacrifice to his country, may be blasted in one hour, by the breath of calumny! In history, he may indeed rely on his verdict of acquittal. But what living man covets such an ordeal, for the sake of such a justification? Who ever considered himself better off, for having been on trial for a criminal offence, though he were vindicated at last, and the wrong-doer punished? All he has to console himself with, in the end, is that Justice, as between him and his persecutors, has pronounced her decision. But who will restore to him what he has lost by injustice? In this light, the results of this plot are INAUSPICIOUS, not only for the encouragement of political virtue, not only for the welfare of the country, but for the liberties of the republic! If success in politics, by whatever means, is to pass for justification, and might, so acquired, for right, the nation that adopts the principle, is doomed to perdition!

But for this diabolical plot, no man could have commanded more of the respect, confidence, and affection of the American people, than Henry Clay. But for this "electioneering staple," Mr. Adams would have been re-elected in 1828, and Mr. Clay would have been president in 1833. The effect of this, doubtless, prevented his being the candidate, and being elected, in 1840. But for this, who could have stood before him in 1844? But for this, Andrew Jackson—justly lauded for his military services—would have died, unknown as a statesman. And but for this, who can doubt, that the destiny of the country would have been GLORIOUS AND HAPPY?

CHAPTER XIX.

THE AMERICAN SYSTEM.—Mr. Clay's Internal Improvement Policy.

THE measures of public policy chiefly embraced in the American System—appropriately so called, as will appear—are internal improvements and the protective policy. There are, undoubtedly, various ramifications of these two great doctrines. There are collateral measures, and measures of affinity, having more or less of an intimate connexion. There are numerous measures of result, emanating from this system. But internal improvement, and protection of American interests, labor, industry, and arts, are commonly understood to be the LEADING measures, which constitute the AMERICAN SYSTEM.

The validity and importance of internal improvements, are suggested and established by four prime considerations: First, the physical rudeness of the face of the country, and the imperfect water-channels—a lake being a channel, as well as a river—interposing obstacles to social communication and commercial operations; next, and as a consequence, the removal of these obstacles, to facilitate intercourse, and the internal trade of the country; third, as a social and political bond of the Union; and last, as a system of national economy in preparation for war, and for the advantages to be derived therefrom in a time of war.

In the physical structure and condition of the country, there was a natural barrier and separation between the Atlantic states and the valley of the Mississippi, constituted by the Allegany ridge and the extensive, crude regions, comprehended in its eastern and western declivities. It was a barrier in itself sufficient to mark out and decree an eastern and western empire. The slow and painful progress, and the calamitous defeat, of Braddock and his army, in the French war, marching to Fort Pitt, are a striking exemplification of the formidable character of that great natural obstacle.

The long, expensive, and hazardous journeys of the early emigrants from east to west, are another example. Rude, mountainous, and savage regions, without roads, and of vast extent, and thousand-mile rivers, with scarcely a civilized tenant on their banks, whose rapids and shoals were unknown, and wanting navigable craft, intervened between the start of emigrants, with the cry of "Westward, ho!" in their mouths, and the place of their destination. The public law of nations, and the royal charters, under the auspices of which the American shores of the Atlantic were peopled from the continent of Europe, had secured to those pilgrim settlers, in the north and south, a western jurisdiction unlimited, except by the waters which lave the shores of the Pacific and "the great south sea," so called, in the ignorance of those times, but not now in use. But of what avail was jurisdiction, while such insurmountable obstacles lay in the pathway to assert and maintain it? In the progress of time, floods of population were rolling westward, and it was easy to see, that a balance-power would soon start up in those regions, to divide empire with the east, unless some permanent and indissoluble bond could be formed, to reduce and subdue the rough barrier between them, and cement the two sections by moral, social, and political ties.

Fortunately for the destinies of the country, a future statesman, fitted by nature and circumstance for this great exigency, had gone over this barrier, and planted himself in the heart of that vale of the west, to grow up in the midst of that population, to have all his fortunes cast with them, to rise in their esteem and confidence, and at an early period to represent them in the capitol of the republic. Still more fortunately, he was disposed to cherish and cultivate those enlarged and liberal views, which, loving a part, embraced the whole with the same affection, and while he evinced a care for the west, he was not less careful for the east, and the north, and the south. Fortunately yet further, in passing from the west to the east, and from the east to the west, in the discharge of his public duties, those long and painful journeys, and the physical inconvenience and suffering which unavoidably attended them, were probably among the most powerful incentives to his genius in the conception of that system of internal improvements, which he afterward propounded so lucidly, advocated so eloquently and so successfully, and for the advancement of which, among other great national objects, he has devoted a long life, consecrated his great abilities, and evinced to the last an untiring, unabated zeal.

Not all has been done that he wished. He has been opposed. But much has been achieved. The spirit of internal improvement which he excited in the country, could not be quenched. Though arbitrary and despotic executive vetoes have intervened; though affected "constitutional scruples" have planted themselves in the pathway of this great and beneficent national policy; it has all proved only a diversion of the momentum given to the cause, to appear and act efficiently in other forms, by other agencies, of states, corporations, and individual enterprise. One great branch of this policy, started by the federal government, always advocated by Mr. Clay, could not be arrested, is still in progress, and will probably go on to consummation: The Alleganies have been levelled to a plain by the great national, commonly called the Cumberland road, and may be surmounted with all the ease and safety, which characterize travel on the Macadamized roads in the vicinity of cities and large towns, in America and in Europe. This road alone has been, and will remain, not less effective as a powerful bond of the Union, than as a facility for travel, and for transportation of merchandise.

Stimulated by this spirit of internal improvement, which was kindled in the land by the fires of one genius, two other great openings between the east and the west have been effected by the states of New York and Pennsylvania, in the creation of gigantic artificial channels, connecting the rivers and harbors of the Atlantic border, with the lakes which disembogue by the St. Lawrence, and the rivers which descend into the Mexican gulf. For the bulk of travel and transportation, these have hitherto, since their completion, taken the lead of all other channels of communication between the east and west, which are thus brought together, and planted at the doors of each other. But new and independent projects, and various ramifications of older ones, by canals and railroads, are continually multiplying, and vying with each other, in the facilities they afford to the internal travel and trade of the country, and in the activity and celerity of their modes and means of conveyance and transportation. The Chesapeake and Ohio canal, from Alexandria to Cumberland, is a magnificent work; and the extension of the Baltimore and Ohio railroad, to the Ohio river, would seem to place the communications, between the east and west, in a northern and southern latitude, as near perfection as can well be conceived. The physical obstacles of distance, of mountain barriers, of vast and trackless wilds, and of unsurveyed

waters, have vanished, and the passenger, who formerly required months, with great pains and risks, to reach a given destination, from a given point, east or west, now smoothly glides along to the end of his journey in so many days, sleeping or reading, with the speed of winds and of the flight of birds, and may order his goods and chattels, his merchandise or produce, to go before, or come after him, without his care, and be sure to find them where and when he wants them. Such is the enchantment of the revolution which art and enterprise have achieved over nature. By the space-annihilating power of internal improvement, Boston and St. Louis, New York and New Orleans, are now brought as near together, across the Alleganies, as were Boston and the city of Baltimore fifty years ago. The remotest parts of the Union have been made neighbors of each other, and the social and political bonds have been strengthened in proportion as these obstacles to intercourse and trade have been removed. The mind that conceived this stupendous scheme, can be estimated only by the history of its progress, and the results of its execution. That there have been co-workers, is true; but the leader, the pioneer, the eloquent mover of the general mind, is seen and recognised by all. The perfect form and matchless beauty of the most admired statue, was in the mind of the artist, when the rude block of marble was a component part of the mountain quarry, and when it was brought and laid at the artist's feet. But it was his chisel that carefully knocked off the chips which first began to develop the forms of his model; it was his skill and workmanship which at last brought forth and presented to an admiring world the permanent, imperishable fruit of his genius. It stands, it speaks, and will eloquently entertain generation after generation, commemorating the name of its author, while history and art abide to instruct mankind.

The early plan of internal improvement, advocated by Mr. Clay, has undergone various modifications, from the influence of two causes—opposition and the improved modes of works of this design. Contemporaneously with the erection of the great national road, from east to west, it was also designed, that a national road should be built parallel with the Atlantic coast, from the northeastern to the southern boundary of the Union. The failure of this part of the plan—magnificent and seductive as it was for the time being—is not so much to be regretted, since the more recent invention of railroads has at least in part, if not entirely, super-

seded its necessity, and would in a great degree have supplanted its use.

After Mr. Clay's plan of internal improvement was brought forward, and began to invoke the attention and aid of the general government—whether from jealousy or other cause, it is not perhaps material to decide—a constitutional question was raised, and made to embarrass the minds, successively, of Presidents Madison, Monroe, and Jackson, whose sanction, as chief executive officers for the time being, was indispensable to give effect to the policy. The fourteenth Congress, the last under Mr. Madison, had renewed the charter of the United States bank—more properly, perhaps, granted a new one, as the old bank was defunct—and a bill was brought into that Congress, and passed, to set apart and pledge, as a fund for internal improvement, the bonus required of the bank, and the United States' share of the dividends on the national stock. The republican, or democratic party, who were chiefly influential in the recharter of the bank—a measure which had been rejected by them in 1811, but was now earnestly advocated, after the sad experience of a deranged currency for four years—were also earnest advocates of this internal improvement bill. Mr. Calhoun of the south, Mr. Clay of the west, Mr. Gold of the north, Mr. Sheffey of Virginia, and other republicans, stood, side by side, in vindication of the constitutionality, and in advocacy of the expediency, of this measure. Very unexpectedly, however, Mr. Madison sent in his objections to this bill, the day before he retired from office, March 3, 1817; and Mr. Monroe came out, in his first message to Congress, coinciding, on this point, with Mr. Madison's veto. It is due to both of them, however, to say, that they were the advocates of internal improvement, and recommended an amendment of the constitution with that view. Nevertheless, Mr. Madison, by his veto, had dashed the cup from the lips to the ground, as he went out of office; and Mr. Monroe coming in, at least for four years, probably for eight—it proved to be eight—broke the cup in advance, so that it could not be used during his term of office, without an amendment of the constitution.

On the 4th of February, 1817, while this bill was pending, Mr. Clay made the following remarks, in committee of the whole house:—

"As to the constitutional point which had been made, he had not a doubt on his mind; but it was not necessary, in his judgment, to embarrass the passage of the bill with the argument of

that point at this time. It was a sufficient answer to say, that the power was not now to be exercised. It was proposed merely to designate the fund, and, from time to time, as the proceeds of it came in, to invest them in the funded debt of the United States. It would thus be accumulating; and Congress could, at some future day, examine into the constitutionality of the question, and if it has the power, it would exercise it; if it has not, the constitution, there could be very little doubt, would be so amended as to confer it. It was quite obvious, however, that Congress might so direct the application of the fund, as not to interfere with the jurisdiction of the several states, and thus avoid the difficulty which had been started. It might distribute it among those objects of private enterprise which called for national patronage in the form of subscriptions to the capital stock of incorporated companies, such as that of the Delaware and Chesapeake canal, and other similar institutions. Perhaps that might be the best way to employ the fund; but, he repeated, this was not the time to go into this inquiry.

"With regard to the general importance of the proposition—the effect of internal improvements in cementing the Union, in facilitating internal trade, in augmenting the wealth and the population of the country, he would not consume the time of the committee in discussing those interesting topics, after the able manner in which they had been treated by his friend from South Carolina [Mr. Calhoun]. In reply to those who thought that internal improvements had better be left to the several states, he would ask—he would put it to the candor of every one—if there were not various objects in which many states were interested, and which, requiring therefore their joint coöperation, would, if not taken up by the general government, be neglected, either for the want of resources, or from the difficulty of regulating their respective contributions?

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"Mr. Clay owned that he felt anxiously desirous for the success of this measure. He was anxious, from its intrinsic merits—from his sincere conviction of its tendency greatly to promote the welfare of our common country. He was anxious from other, perhaps more selfish considerations. He wished the fourteenth Congress to have the merit of laying the foundations of this great work. He wished this Congress, which, in his opinion, had so many other just grounds for the national approbation, notwithstanding the obloquy which had attended a single unfortunate measure, to add this new claim to the public gratitude."

This bill passed, and as before recognised, was vetoed by Mr. Madison. It will be observed, that Mr. Calhoun was an earnest advocate of this measure, as he had been of the bank of 1816.

is remarkable, that, during the republican or democratic era, or for the most of it, Mr. Clay and Mr. Calhoun should have been coadjutors, advocates of the same principles, of the same measures, and working shoulder to shoulder in a common cause, for a common country; and that afterward, when the character of the government had so essentially changed, and the federal executive began to assert regal pretensions, and exercise regal powers, these two statesmen should have been so far asunder! Who had changed? It does not appear that Mr. Clay ever changed his opinion on a great national question, except in the case of the United States bank, and when he took up his ground on that in 1816, Mr. Calhoun was with him. In alluding to this change, Mr. Clay, in his speech at Lexington, June 9, 1842, said: "I do not advert to the fact of this *solitary* instance of change of opinion, as implying any personal merit, but because it is a fact. I will, however, say, that I think it is very perilous to the usefulness of any public man to make frequent changes of opinion. * * * It draws around him distrust, impairs the public confidence, and lessens his capacity to serve his country."

Three presidents successively, Mr. Jefferson, Mr. Madison, and Mr. Monroe, had officially expressed their opinion adverse to a power vested in Congress by the constitution for projects of internal improvement, as contemplated by the measures proposed. Not satisfied with these decisions, Mr. Clay and his friends were instrumental in having a resolution brought forward, in the fifteenth Congress, declaring that Congress *had* power, under the constitution, to make appropriations for the construction of military roads, post-roads, and canals; and the following extract is from his speech of March 13, 1818, in favor of this resolution:—

"When I feel what a deep interest the Union at large, and particularly that quarter of it whence I come, has, in the decision of he present question, I can not omit any opportunity of earnestly urging upon the house the propriety of retaining the important power which this question involves. It will be recollected, that if unfortunately there should be a majority both against the abstract proposition asserting the power, and against its practical execution, the power is gone for ever—the question is put at rest, so long as the constitution remains as it is; and with respect to any amendment, in this particular, I confess I utterly despair. It will be borne in mind, that the bill which passed Congress on this subject, at the last session, was rejected by the late president of

the United States; that at the commencement of the present session, the president communicated his clear opinion, after every effort to come to a different conclusion, that Congress does not possess the power contended for, and called upon us to take up the subject, in the shape of an amendment to the constitution, and, moreover, that the predecessor of the present and late presidents, also intimated his opinion, that Congress does not possess the power. With the great weight and authority of the opinions of these distinguished men against the power, and with the fact, solemnly entered upon the record, that this house, after a deliberate review of the ground taken by it at the last session, has decided against the existence of it (if such, fatally, shall be the decision), the power, I repeat, is gone—gone for ever, unless restored by an amendment of the constitution. With regard to the practicability of obtaining such an amendment, I think it altogether out of the question. Two different descriptions of persons, entertaining sentiments directly opposed, will unite and defeat such an amendment: one embracing those who believe that the constition, fairly interpreted, already conveys the power; and the other, those who think that Congress has not and ought not to have it. As a large portion of Congress, and probably a majority, believes the power to exist, it must be evident, if I am right in supposing that any considerable number of that majority would vote against an amendment which they do not believe necessary, that any attempt to amend would fail. Considering, as I do, the existence of the power as of the first importance, not merely to the preservation of the union of the states, paramount as that consideration ever should be over all others, but to the prosperity of every great interest of the country, agriculture, manufactures, commerce, in peace and in war, it becomes us solemnly, and deliberately, and anxiously, to examine the constitution, and not to surrender it, if fairly to be collected from a just interpretation of that instrument."

There was a time, in the history of the country, when proposals to amend the constitution were thought easy of attainment—at least not very difficult. It was for a long time a custom with the president, in his official communications to Congress, to speak on the subject, and sometimes to recommend it for specific objects, as though it ought to be entertained, and might be accomplished Jefferson, Madison, and Monroe, were of this number—the last two recommended it for the object of internal improvement, after having expressed their opinion adverse to the constitutional power. In 1817, Mr. Clay once expressed himself as if this might be hoped for, in this difference of opinion. But at this time, 1818, he seemed to have come to the conclusion, that an amendment of the constitution was impracticable, and gives his reasons for it, as

above. It was, therefore, a subject of profound concern with him, to find the national executive, at the opening of his administration, which might and would probably be extended to eight years, in this position, inasmuch as no objects of internal improvement, however important and desirable, could be consummated without his official sanction. This, as is well known, was a favorite policy with Mr. Clay—one that he had long cherished, and conscientiously believed to lie within the pale of the constitution. He saw that it was vital to the Union, for its conservation and stability; to commercial intercourse within the circle of the Union, and not less to foreign trade; to the social and political welfare of the republic. The policy comprehended not only all the veins and arteries of the body, as one, but those members and faculties which connected it with foreign bodies. All the outlets of the Union to the highway of nations, and all passages to foreign jurisdictions over a many-thousand-mile line of inland border, came within the scope of this policy. The lakes, the Mississippi and its tributaries, the Atlantic rivers, bays, inlets, and harbors, with all their countless imperfections and obstructions, and with all their capabilities of improvement, invoked the wisdom and patriotism of every American statesman, to come to their aid for "the general welfare." Nature's mighty barrier between the east and west, was yet unsubdued—scarcely an impression was made upon it. The whole country, as compared with what might be, was, by this means, literally bound in chains, and implored relief, relaxation, freedom. Its vital currents could not circulate as they ought; its limbs had no ample scope for action; its capacities were cramped; and its very intelligence was limited and compressed.

But Mr. Madison had delivered his opinion, destroyed the measure which he had recommended, and retired. Mr. Monroe had also pronounced his decision in advance; and it now seemed a settled question, that the difficulty could not be got over by an amendment of the constitution. What was to be done? "I repeat," said Mr. Clay, "the power is gone—gone for ever," if the resolution before the house should fail—a resolution declaratory of the existence of the constitutional power for internal improvements.

In reference to the Virginia resolutions of 1798, of which Mr. Madison was the author, Mr. Clay said:—

"It will be remarked, that Mr. Madison, in his reasoning on the constitution, has not employed the language fashionable during this debate; he has not said, that an implied power must be *abso-*

lutely necessary to carry into effect the specified power, to which it is appurtenant, to enable the general government to exercise it. No! This is a modern interpretation of the constitution. Mr. Madison has employed the language of the instrument itself, and has only contended that the implied power must be necessary and proper to carry into effect the specified power. He has only insisted, that when Congress applied its sound judgment to the constitution in relation to implied powers, it should be clearly seen that they were necessary and proper to effectuate the specified powers. These are my principles; but they are not those of the gentleman from Virginia and his friends on this occasion. They contend for a degree of necessity absolute and indispensable; that by no possibility can the power be otherwise executed.

"That there are two classes of powers in the constitution, I believe has never been controverted by an American statesman. We can not foresee and provide specifically for all contingences. Man and his language are both imperfect. Hence the existence of construction, and of constructive powers. Hence also the rule, that a grant of the end is a grant of the means. If you amend the constitution a thousand times, the same imperfection of our nature and our language will attend our new works. There are two dangers to which we are exposed. The one is, that the general government may relapse into the debility which existed in the old confederation, and finally dissolve from the want of cohesion. The denial to it of powers plainly conferred, or clearly necessary and proper to execute the conferred powers, may produce this effect. And I think, with great deference to the gentlemen on the other side, this is the danger to which their principles directly tend. The other danger, that of consolidation, is, by the assumption of powers not granted, nor incident to granted powers, or the assumption of powers which have been withheld, or expressly prohibited. This was the danger of the period of 1798–'9. For instance, that, in direct contradiction to a prohibitory clause of the constitution, a sedition act was passed; and an alien law was also passed, in equal violation of the spirit, if not of the express provisions, of the constitution. It was by such measures that the federal party (if parties may be named), throwing off the veil, furnished to their adversaries the most effectual ground of opposition. If they had not passed those acts, I think it highly probable that the current of power would have continued to flow in the same channel; and the change of parties in 1801, so auspicious to the best interests of the country, as I believe, would never have occurred.

"I beg the committee—I entreat the true friends of the confederated union of these states—to examine this doctrine of state rights, and see to what abusive, if not dangerous consequences, it may lead, to what extent it has been carried, and how it has varied in the same state at different times."

"The gentleman from Virginia," to whom Mr. Clay was more especially responding in the foregoing remarks, was Mr. Nelson, who had professedly taken refuge under the resolutions of '98, and arraigned Mr. Clay's orthodoxy. Mr. Clay avowed adherence to the same creed, and attempted to prove—apparently succeeded—that he was a true disciple. He was, perhaps, more properly a master.

It is remarkable, that it should prove so difficult to find, or rather to agree on, the line of demarcation between federal and state rights, defined so precisely as they are by the constitution: "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." Among the several legislative powers conferred on Congress, is, first, the general "power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the *common* defence and *general* welfare of the United States." After enumerating about thirty specific grants of power, the whole is covered by the following discretionary power: "And to make all laws which shall be *necessary and proper* for carrying into execution the *foregoing* powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." Among the specific grants is one "to establish postoffices and postroads," which, besides the power "to provide for the common defence and general welfare"—about which some question has arisen, whether it is intended for more than an announcement of the specific grants—is claimed to involve the principle of internal improvements, and to authorize at least one form. And the concluding general and discretionary power, which covers all the rest, "to make *all* laws which shall be necessary and proper," &c., may extend the application of this principle of "postroads," as far as Congress may think "necessary and proper" "for the general welfare," to roads of any description, on land or water.

The great question apparently is, whether the people, in their representative capacity in Congress, shall avail themselves of the design and benefits of the constitution; or whether, by yielding to the claims of some of the states, they shall sacrifice those benefits, surrender the great objects of the constitution, and fall back into all the evils to which the country was subjected under the old articles of confederation. It will not be denied, that the constitution was formed for the express purpose of conferring higher and more comprehensive powers on the general government, and that "post-

roads" was one of the additional and specific grants. To say, that the use of these powers is a usurpation of state-rights, and an aim at consolidation, is to bring the charge, not only on the framers of the constitution, but on the necessity and distress of the country which led to the formation of that instrument, and the establishment of the government which it authorized and required.

The phrases, " all laws necessary and proper," and " all other powers," were construed in this debate, by some, as requiring a case of *absolute* necessity, to authorize the use of these powers, instead of justifying the use of a reasonable discretion. But it is evident, that as much difficulty would arise in determining what is *absolutely* necessary, as what is necessary, and that the latter form of expression may be as strong as the former—must be as strong, if applied to a case of *necessity*. What can add to the force of a necessity? Discretion, judgment, is put in requisition, in either case; and the latter is the language of the constitution. Mr. Madison stopped there, and Mr. Clay went no further.

After showing that necessity and absolute necessity amounted to the same thing, Mr. Clay said:—

"If, then, the gentlemen on the other side and myself differ so little in our general principles, as I think I have shown, I will proceed, for a few moments, to look at the constitution a little more in detail. I have contended, that the power to *construct* post-roads is expressly granted in the power to *establish* post-roads. If it be, there is an end of the controversy; but if not, the next inquiry is, whether that power may be fairly deduced, by implication, from any of the special grants of power. To show that the power is expressly granted, I might safely appeal to the arguments already used, to prove that the word *establish*, in this case, can mean only one thing—the right of making. Several gentlemen have contended, that the word has a different sense; and one has resorted to the preamble of the constitution, to show that the phrase 'to establish justice,' there used, does not convey the power of creation. If the word 'establish' is there to be taken in the sense which gentlemen claim for it, that of adoption or designation, Congress could have a choice only of systems of justice preëxisting. Will any gentleman contend, that we are obliged to take the Justinian code, the Napoleon code, the code of civil, or the code of common or canon law? Establishment means in the preamble, as in other cases, construction, formation, creation. Let me ask, in all cases of crime, which are merely *malum prohibitum*, if you do not resort to construction, to creating, when you make the offence? By your laws denouncing certain acts as criminal offences, laws which the good of society requires you to pass, and to adapt to our pe-

culiar condition, you do construct and create a system of rules, to be administered by the judiciary. But gentlemen say, that the word can not mean *make;* that you would not say, for example, to establish a ship, to establish a chair. In the application of this, as of all other terms, you must be guided by the nature of the subject; and if it can not properly be used in all cases, it does not follow that it can not be in any. And when we take into consideration that, under the old articles of confederation, Congress had over the subject of post-roads just as much power as gentlemen allow to the existing government, that it was the general scope and spirit of the new constitution to enlarge the powers of the general government, and that, in fact, in this very clause, the power to establish postoffices, which was alone possessed by the former government, I think that I may safely consider the argument, on this part of the subject, as successfully maintained. With respect to military roads, the concession that they may be made when called for by the emergency, is admitting that the constitution conveys the power. And we may safely appeal to the judgment of the candid and enlightened, to decide between the wisdom of these two constructions, of which one requires you to wait for the exercise of your power until the arrival of an emergency, which may not allow you to exert it, and the other, without denying you the power, if you can exercise it during the emergency, claims the right of providing beforehand against the emergency.

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"Is there not a direct and intimate relation between the power to make war, and military roads and canals? It is in vain that the convention have confided to the general government the tremendous power of declaring war—have imposed upon it the duty to employ the whole physical means of the nation to render the war, whatever may be its character, successful and glorious—if the power is withheld of transporting and distributing those means. Let us appeal to facts, which are sometimes worth volumes of theory. We have recently had a war raging on all the four quarters of the Union. The only circumstance which gave me pain at the close of that war, the detention of Moose island, would not have occurred, if we had possessed military roads. Why did not the Union, why did not Massachusetts, make a struggle to re-conquer the island? Not for the want of men; not for the want of patriotism, I hope; but from the want of physical ability to march a force sufficient to dislodge the enemy. On the northwestern frontier, millions of money, and some of the most precious blood of the state from which I have the honor to come, was wastefully expended for the want of such roads. My honorable friend from Ohio [General Harrison], who commanded the army in that quarter, could furnish a volume of evidence on this subject. What now paralyzes our arms on the southern frontier, and occasioned

the recent massacre of fifty of our brave soldiers? What, but the want of proper means for the communication of intelligence, and for the transportation of our resources from point to point? Whether we refer to our own experience, or that of other countries, we can not fail to perceive the great value of military roads. Those great masters of the world, the Romans, how did they sustain their power so many centuries, diffusing law and liberty, and intelligence, all around them? They made permanent military roads; and among the objects of interest which Europe now presents are the remains of those Roman roads, which are shown to the curious inquirer. If there were no other monument remaining of the sagacity and of the illustrious deeds of the unfortunate captive of St. Helena, the internal improvements which he made, the road from Hamburgh to Basle, would perpetuate his memory to future ages. In making these allusions, let me not be misunderstood. I do not desire to see military roads established for the purpose of conquest, but of defence; and as a part of that preparation which should be made in a season of peace for a season of war. I do not wish to see this country ever in that complete state of preparation for war, for which some contend; that is, that we should constantly have a large standing army, well disciplined, and always ready to act. I want to see the bill reported by my friend from Ohio, or some other, embracing an effective militia system, passed into a law; and a chain of roads and canals, by the aid of which our physical means can be promptly transported to any required point. These, connected with a small military establishment to keep up our forts and garrisons, constitute the kind of preparation for war, which, it appears to me, this country ought to make. No man, who has paid the least attention to the operations of modern war, can have failed to remark, how essential good roads and canals are to the success of those operations. How often have battles been won by celerity and rapidity of movement? It is one of the most essential circumstances in war. But, without good roads, it is impossible. Members will recall to their recollection the fact, that, in the senate, several years ago, an honorable friend of mine [Mr. Bayard], whose premature death I shall ever deplore, who was an ornament to the councils of his country, and who, when abroad, was the able and fearless advocate of her rights, did, in supporting a subscription which he proposed the United States bank should make to the stock of the Delaware and Chesapeake canal company, earnestly recommend the measure as connected with our operations in war. I listened to my friend with some incredulity, and thought he pushed his argument too far. I had, soon after, a practical evidence of its justness. For, in travelling from Philadelphia, in the fall of 1813, I saw transporting, by government, from Elk river to the Delaware, large quantities of massy timbers

for the construction of the Guerriere, or the Franklin, or both; and, judging from the number of wagons and horses, and the number of days employed, I believe the additional expense of that single operation would have gone very far to complete that canal, whose cause was espoused with so much eloquence in the senate, and with so much effect, too—bills having passed that body more than once to give aid, in some shape or other, to that canal. With notorious facts like this, is it not obvious, that a line of military canals is not only necessary and proper, but almost indispensable to the war-making power?"

Nothing can be more evident, than that the constitution was formed for common and general purposes of the Union, and that, to accomplish such comprehensive objects, the entire Union is the theatre—the range of jurisdiction. It is absurd, therefore, to allege an encroachment on state-rights, when the general government passes into their respective bounds to erect national works, or discharge any other federal functions, such as in its judgment are "necessary and proper for carrying into execution" its specific powers. It is obliged to go there, or do nothing. The tenth article of the amendments of the constitution has clearly defined the joint action of the federal and state authorities on the same ground—the first to use all the powers granted, and the second to use those which are neither resigned nor prohibited, by the compact.

The importance of internal improvements for purposes of war, is most emphatically inculcated in the facts of the disadvantages suffered in the war of 1812, for want of them. The cost of that war was one hundred and sixty millions of dollars; and it is stated by a "Southern Planter," in his "Notes on Political Economy," that eighty millions, or one half of this debt, was incurred for transportation; that in supplying the forces on the Canada frontier, "every barrel of flour cost fifty dollars, every barrel of pork eighty dollars, and every cannon used there twice as much in the transportation, as the cost of making it!" The disasters in that quarter may be supposed to have resulted from this great and insuperable impediment—the want of roads and canals. The war was far less effective, and no doubt protracted, by this cause; and the consequent additional expenses would have created the desired facilities, to all the important points, twice over. The slow progress of the mail has been a detriment to the business and trade of the country more than equal to the cost of transportation by adequate internal improvements; and the utter impossibility, to a great extent, and in large districts, of moving off the heavy

products of the soil and forests, added to the great expense of those which have found their way to market, thus diminishing their value to the producers, must have been another aggregate loss, even in a few years, more than sufficient to have created the means of saving it by internal improvements. Mr. Clay says:—

"It was the opinion of Mr. Jefferson, that, although there was no general power vested by the constitution in Congress, to construct roads and canals, without the consent of the states, yet such a power might be exercised with their assent. Mr. Jefferson not only held this opinion in the abstract, but he practically executed it in the instance of the Cumberland road; and how? First, by a compact made with the state of Ohio, for the application of a specified fund, and then by compacts with Virginia, Pennsylvania, and Maryland, to apply the fund so set apart within their respective limits."

It must be confessed, that this was an ingenious resort, to get over or around the constitution as interpreted—the same in principle as the project of one of the bank bills of 1841, which proposed to establish branches in those states that should not object. The difference, if there be any, is, that Mr. Jefferson professed to believe in the paramount right of the states, whereas, the bank project, without acting openly on an avowed fundamental principle, came somewhat nearer to what is commonly denominated a trick. It was at least a tacit proposal to waive the question of right, and divide jurisdiction—the natural effect of which would be to confound rights, and leave them in a state of incertitude, more embarrassing for after use, than not to have touched the subject. Mr. Clay was opposed to this, as being not less unmanly, than unstatesmanlike, though he was, notwithstanding, compelled to a mortifying compromise, for the good of the country, all which availed nothing, but to furnish occasion for insult from the very quarter, toward which the compromise, by so much sacrifice of feeling, was generously tendered.

Mr. Clay proceeded to say:—

"I am entirely at a loss to comprehend how gentlemen, consistently with their own principles, can justify the erection of the Cumberland road. No man is prouder than I am of that noble monument of the provident care of the nation, and of the public spirit of its projectors; and I trust that, in spite of all constitutional and other scruples, here or elsewhere, an appropriation will be made to complete that road. I confess, however, freely, that I am entirely unable to conceive of any principle on which that road can

be supported, that would not uphold the general power contended for.

"I will now examine the opinion of Mr. Madison. Of all the acts of that pure, virtuous, and illustrious statesman, whose administration has so powerfully tended to advance the glory, honor, and prosperity of this country, I most regret, for his sake, and for the sake of the country, the rejection of the bill of the last session. I think it irreconcilable with Mr. Madison's own principles —those great, broad, and liberal principles, on which he so ably administered the government. And, sir, when I appeal to the members of the last Congress, who are now in my hearing, I am authorized to say, with regard to the majority of them, that no circumstance, not even an earthquake, that should have swallowed up one half of this city, could have excited more surprise than when it was first communicated to this house, that Mr. Madison had rejected his own bill—I say his own bill, for his message at the opening of the session meant nothing, if it did not recommend such an exercise of power as was contained in that bill. My friend, who is near me [Mr. Johnson, of Virginia], the operations of whose vigorous and independent mind depend upon his own internal perceptions, has expressed himself with becoming manliness, and thrown aside the authority of names, as having no bearing with him on the question. But their authority has been referred to, and will have influence with others. It is impossible, moreover, to disguise the fact, that the question is now a question between the executive on the one side, and the representatives of the people on the other. So it is understood in the country, and such is the fact. Mr. Madison enjoys, in his retreat at Montpelier, the repose and the honors due to his eminent and laborious services; and I would be among the last to disturb it. However painful it is to me to animadvert upon any of his opinions, I feel perfectly sure that the circumstance can only be viewed by him with an enlightened liberality. What are the opinions which have been expressed by Mr. Madison on this subject? I will not refer to all the messages wherein he has recommended internal improvements; but to that alone which he addressed to Congress, at the commencement of the last session, which contains this passage:—

"'I particularly invite *again* the attention of Congress to the expediency of exercising *their existing powers*, and where necessary, of resorting to the prescribed mode of enlarging them, in order to *effectuate a comprehensive system of roads and canals*, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.'

"In the examination of this passage, two positions force themselves upon our attention. The first is, the assertion that there are

existing powers in Congress to effectuate a comprehensive system of roads and canals, the effect of which would be to draw the different parts of the country more closely together. And I would candidly admit, in the second place, that it was intimated, that, in the exercise of those existing powers, some defect might be discovered which would render an amendment of the constitution necessary. Nothing could be more clearly affirmed than the first position; but in the message of Mr. Madison returning the bill, passed in consequence of his recommendation, he has not specified a solitary case to which those existing powers are applicable; he has not told us what he meant by those existing powers; and the general scope of his reasoning, in that message, if well founded, proves that there are no existing powers whatever. It is apparent, that Mr. Madison himself has not examined some of those principal sources of the constitution from which, during this debate, the power has been derived. I deeply regret, and I know that Mr. Madison regretted, that the circumstances under which the bill was presented to him (the last day but one of a most busy session) deprived him of an opportunity of that thorough investigation of which no man is more capable. It is certain, that, taking his two messages at the same session together, they are perfectly irreconcilable. What, moreover, was the nature of that bill? It did not apply the money to any specific object of internal improvement, nor designate any particular mode in which it should be applied; but merely set apart and pledged the fund to the general purpose, subject to the future disposition of Congress. If, then, there were any supposable case whatever, to which Congress might apply money in the erection of a road, or cutting a canal, the bill did not violate the constitution. And it ought not to have been anticipated, that money constitutionally appropriated by one Congress, would be unconstitutionally expended by another.

"I come now to the message of Mr. Monroe; and if, by the communication of his opinion to Congress, he intended to prevent discussion, he has most wofully failed. I know that, according to a most venerable and excellent usage, the opinion, neither of the president nor of the senate, upon any proposition depending in this house, ought to be adverted to. Even in the parliament of Great Britain, a member who would refer to the opinion of the sovereign, in such a case, would be instantly called to order; but under the extraordinary circumstances of the president having, with, I have no doubt, the best motives, volunteered his opinion on this head, and inverted the order of legislation by beginning where it should end, I am compelled, most reluctantly, to refer to that opinion. I can not but deprecate the practice of which the president has, in this instance, set the example to his successors. The constitutional order of legislation supposes that every bill originating in one house, shall be there deliberately investigated, without influence

from any other branch of the legislature; and then remitted to the other house for a like free and unbiased consideration. Having passed both houses, it is to be laid before the president; signed if approved, and if disapproved, to be returned, with his objections, to the originating house. In this manner, entire freedom of thought and of action is secured, and the president finally sees the proposition in the most matured form which Congress can give to it. The practical effect, to say no more, of forestalling the legislative opinion, and telling us what we may or may not do, will be to deprive the president himself of the opportunity of considering a proposition so matured, and us of the benefit of his reasoning applied specifically to such proposition. For the constitution further enjoins it upon him, to state his objections upon returning the bill. The originating house is then to reconsider it, and deliberately to weigh those objections; and it is further required, when the question is again taken, 'Shall the bill pass, those objections notwithstanding?' that the votes shall be solemnly spread, by ayes and noes, upon the record. Of this opportunity of thus recording our opinions, in matters of great public concern, we are deprived if we submit to the innovation of the president. I will not press this part of the subject further. I repeat, again and again, that I have no doubt but that the president was actuated by the purest motives. I am compelled, however, in the exercise of that freedom of opinion which, so long as I exist I will maintain, to say that the proceeding is irregular and unconstitutional. Let us, however, examine the reasoning and opinion of the president.

"'A difference of opinion has existed from the first formation of our constitution to the present time, among our most enlightened and virtuous citizens respecting the right of Congress to establish a system of internal improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required and the result is, a settled conviction in my mind, that Congress does not possess the right. It is not contained in any of the specified powers granted to Congress; nor can I consider it incidental to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I can not resist the obligation which I feel, to suggest to Congress the propriety of recommending to the states the adoption of an amendment to the constitution, which shall give the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of power.

We may confidently rely, that, if it appears to their satisfaction that the power is necessary, it will always be granted.'

"In this passage, the president has furnished us with no reasoning, no argument in support of his opinion—nothing addressed to the understanding. He gives us, indeed, an historical account of the operations of his own mind, and he asserts that he has made a laborious effort to conquer his early impressions, but that the result is a settled conviction against the power, without a single reason. In his position, that the power must be specifically granted, or incident to a power so granted, it has been seen, that I have the honor to entirely concur with him; but, he says, the power is not among the specified powers. Has he taken into consideration the clause respecting post-roads, and told us how and why that does not convey the power? If he had acted within what I conceive to be his constitutional sphere of rejecting the bill, after it had passed both houses, he must have learned that great stress was placed on that clause, and we should have been enlightened by his comments upon it. As to his denial of the power, as an incident to any of the express grants, I would have thought that we might have safely appealed to the experience of the president, during the late war, when the country derived so much benefit from his judicious administration of the duties of the war department, whether roads and canals for military purposes were not essential to celerity and successful result in the operations of armies. This part of the message is all assertion, and contains no argument which I can comprehend, or which meets the points contended for during this debate. Allow me here to say, and I do it without the least disrespect to that branch of the government, on whose opinions and acts it has been rendered my painful duty to comment;—let me say, in reference to any man, however elevated his station, even if he be endowed with the power and prerogatives of a sovereign, that his acts are worth infinitely more, and are more intelligible, than mere paper sentiments or declarations. And what have been the acts of the president? During his tour of the last summer, did he not order a road to be cut or repaired from near Plattsburgh to the St. Lawrence?"

It is remarkable how a public man, acting, either in the capacity of legislation or magistracy, is liable to be tripped on his own ground, when he takes up his position on an untenable principle. No doubt Mr. Monroe thought he was doing very right—he indeed was—and Mr. Clay approved of it—when he set those soldiers to work on the Plattsburgh and St. Lawrence road. The commonwealth of New York did not complain. There was no alarm raised about the monopolizing stretch of central power.

"The president, then [said Mr. Clay, referring to this fact], ordered

a road of considerable extent to be constructed or repaired, on his sole authority, in a time of profound peace, when no enemy threatened the country, and when, in relation to the power as to which alone that road could be useful in time of war, there exists the best understanding, and a prospect of lasting friendship, greater than at any other period. On his sole authority the president acted, and we are already called upon by the chairman of the committee of ways and means to sanction the act by an appropriation. This measure has been taken, too, without the consent of the state of New York; and what is wonderful, when we consider the magnitude of the state-rights which are said to be violated, without even a protest on the part of that state against it. On the contrary, I understand, from some of the military officers who are charged with the execution of the work, what is very extraordinary, that the people through whose quarter of the country the road passes, do not view it as a national calamity; that they would be very glad that the president would visit them often, and that he would order a road to be cut and improved, at the national expense, every time he should visit them. Other roads, in other parts of the Union, have, it seems, been likewise ordered, or their execution, at the public expense, sanctioned by the executive, without the concurrence of Congress. If the president has the power to cause these public improvements to be executed at his pleasure, whence is it derived? If any member will stand up in this place and say the president is clothed with this authority, and that it is denied to Congress, let us hear from him; and let him point to the clause of the constitution which vests it in the executive and withholds it from the legislative branch.

"There is no such clause; there is no such exclusive executive power. The power is derivable by the executive only from those provisions of the constitution which charge him with the duties of commanding the physical force of the country, and the employment of that force in war, and the preservation of the public tranquillity, and in the execution of the laws. But Congress has paramount powers to the president. It alone can declare war, can raise armies, can provide for calling out the militia, in the specified instances, and can raise and appropriate the ways and means necessary to those objects. Or is it come to this, that there are to be two rules of construction for the constitution—one, an enlarged rule, for the executive, and another, a restricted rule, for the legislature? Is it already to be held, that, according to the genius and nature of our constitution, powers of this kind may be safely intrusted to the executive, but, when attempted to be exercised by the legislature, are so alarming and dangerous, that a war with all the allied powers would be less terrible, and that the nation should clothe itself straightway in sackcloth and ashes! No, sir; if the power belongs only by implication to the chief

magistrate, it is placed both by implication and express grant in the hands of Congress. I am so far from condemning the act of the president, to which I have referred, that I think it deserving of high approbation. That it was within the scope of his constitutional authority, I have no doubt; and I sincerely trust, that the secretary at war will, in time of peace, constantly employ in that way the military force. It will at the same time guard that force against the vices incident to indolence and inaction, and correct the evil of subtracting from the mass of the labor of society, where labor is more valuable than in any other country, that portion of it which enters into the composition of the army. But I most solemnly protest against any exercise of powers of this kind by the president, which are denied to Congress. And, if the opinions expressed by him, in his message, were communicated, or are to be used here, to influence the judgment of the house, their authority is more than countervailed by the authority of his deliberate acts.

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"Of all the modes in which a government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort, and activity, and animation, on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus, if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened two dollars, the producer of the article would receive that two dollars more now than formerly.

"But, putting aside all pecuniary considerations, there may be political motives sufficiently powerful alone to justify certain internal improvements. Does not our country present such? How are they to be effected, if things are left to themselves? I will not press the subject further. I am but too sensible how much I have abused the patience of the committee by trespassing so long upon its attention. The magnitude of the question, and the deep interest I feel in its rightful decision, must be my apology. We are now making the last effort to establish our power, and I call on the friends of Congress, of this house, or the true friends of state rights (not charging others with intending to oppose them), to rally round the constitution, and to support by their votes, on this occasion, the legitimate powers of the legislature. If we do nothing this session but pass an abstract resolution on the subject, I shall, under all circumstances, consider it a triumph for the best interests of the country, of which posterity will, if we do not, reap the benefit. I trust, that by the decision which shall be given, we shall assert, uphold, and maintain, the authority of Congress, notwithstanding all that has been or may be said against it."

The resolution declaring the power to be vested in Congress by the constitution, to make appropriations for the construction of military roads, post-roads, and canals, was adopted by a vote of 90 to 75; and the principle involved has been practically applied by acts of Congress, from that time to the present, in appropriations for the continuance of the Cumberland road, and various other objects of internal improvement, by roads, canals, improving river navigation harbors, &c., notwithstanding it has been occasionally checked by executive vetoes, and almost constantly discouraged by executive influence. The argument made by Mr. Clay on this occasion, will stand as a just tribute to his ability as a constitutional lawyer; and from its aspects and bearings, in relation to the great and various interests of the country, it is not a less creditable monument to his fame as a patriot. By the stand he took at this time the tide of executive influence, which seemed to menace the policy of internal improvement with subversion and final overthrow, was rolled backward; and though it has again and again rushed to the onset, in the hands of General Jackson, Mr. Van Buren, and Mr. Tyler, the policy has nevertheless been kept alive, though it has, in a great measure, been forced to change hands, from the federal to the state authorities.

Notwithstanding all the opposition which appropriations for internal improvement have met with, by the federal executives, from professed scruples as to constitutional power, it has been seen, that Mr. Madison and Mr. Monroe were in favor of the policy, and recommended an amendment of the constitution with that view. So also Mr. Jefferson, as will appear from the following passage in his annual message of 1806:—

"The question now comes forward—To what other object shall these surpluses [anticipated] be appropriated, and the whole surplus of imposts, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? *Shall we suppress imposts, and give that advantage to foreign over domestic manufactures?* On a few articles of more general and more necessary use, the suppression will doubtless be right; but the great mass of the articles on which impost is paid, are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to *the great purposes of public education, roads, rivers, canals, and such other objects of public improvement*, as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations

new channels of communication will be opened between the states, the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties."

Mr. Jefferson's views, as here presented, were most enlarged and comprehensive, embracing not only internal improvements, but education, and the protective policy.

General Jackson also, in his annual message of 1830, contemplating the states as agents for using the surplus funds of the national treasury in projects of internal improvement, enters into the following argument:—

"It may sometimes happen that the interests of particular states would not be deemed to coincide with the general interest, in relation to improvement within such states. But if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct to such improvements of a general character as the states concerned might not be disposed to unite in, and the application of the quotas of those states, under the restriction of confining to each state the expenditure of its appropriate quota. It may, however, be assumed as a safe general rule, that such improvements as serve to increase the prosperity of the respective states in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength as well as the true glory of the confederacy are founded on the prosperity and power of the several independent sovereignties of which it is composed, and on the certainty with which they can be brought into successful active coöperation through the agency of the federal government."

So obvious, comprehensive, and vast, are the benefits of this policy, and so favorably has it ever been entertained by the people, that no chief magistrate of the nation, however much disposed, has ever dared to come out openly against it. However reluctantly, all of them have been forced to recommend it in some form. An unwilling sanction, in such a case, is perhaps more forcible, in view of the reasons by which it is extorted, than a voluntary one. It demonstrates the judgment of the general mind—the common sense of the great commonwealth.

In view of the citations on this subject, made from Mr. Clay's speeches, comprehending, as they do, the main points, and presenting them in the strongest light, it can hardly be deemed necessary, and might seem superfluous, to attempt any further elucidation of the theme. In the midst of fiery trials, and against powerful

machinations, combined and single—in the face of executive vetoes, and in spite of executive oppugnancy in a variety of other forms—the policy of internal improvement, as originated and advocated by Mr. Clay, has in a good degree triumphed. It has at least so far succeeded, as to give the nation a taste of its blessings, and it can not now be arrested. The great obstacles of nature over the face of the country, and under the surface of the waters, have been surmounted, and are constantly yielding to art and toil, skilfully and vigorously applied, creating more intimate relations between all parts of the republic, and cementing the Union with stronger social, political, and commercial ties. Intelligence circulates on the wings of the elements, lashed to supernatural speed by the appliances of science and art; travel treads upon its heels; and the trade of the whole country is worked more and more vigorously by the vast machinery and newly-created powers of internal improvements.

CHAPTER XX.

MR. CLAY'S LAND POLICY.—His Report in 1832.—Reasons of its Reference to the Committee on Manufactures.—Statistical Tables.—Extracts from Mr. Clay's Speeches.—General Jackson's Pocketing the Land Bill.—The Argument

IT is deemed economical in all respects of space and argument, in executing the task, and in accomplishing the object, of these pages, so far as they respect the subject here propounded, to throw into a note below, some extracts from Mr. Clay's report on the public lands, presented to the senate, April 16, 1832.* They

* EXTRACTS FROM MR. CLAY'S REPORT ON THE PUBLIC LANDS—IN SENATE, APRIL 16, 1832.

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"The public lands belonging to the general government, are situated, first, within the limits of the United States, as defined by the treaty of peace which terminated the revolutionary war; and secondly, within the boundaries of Louisiana and Florida, as ceded by France and Spain, respectively, to the United States. 1. At the commencement of the revolutionary war, there were, in some of the states, large bodies of waste and unappropriated lands, principally west of the Allegany mountains, and in the southern or southwestern quarters of the Union; while, in others, of more circumscribed, or better defined limits, no such resource existed. During the progress of that war, the question was agitated, what should be done with these lands, in the event of its successful termination? That question was likely to lead to paralyzing divisions and jealousies. The states not containing any considerable quantity of waste lands, contended that, as the war was waged with united means, with equal sacrifices, and at the common expense, the waste lands ought to be considered as a common property, and not be exclusively appropriated to the benefit of the particular states within which they happened to be situated. These, however, resisted the claim, upon the ground that each state was entitled to the whole of the territory, whether waste or cultivated, included within its chartered limits. To check the progress of discontent, and arrest the serious consequences to which the agitation of this question might lead, Congress recommended to the states to make liberal cessions of the waste and unceded lands to the United States, and on the 10th day of October, 1780, '*Resolved*, that the unappropriated lands that may be ceded or relinquished to the United States, by any particular state, pursuant to the recommendation of Congress of the 6th of September last, shall be disposed of for the common benefit of the United States,' &c.

"In conformity with the recommendation of Congress, the several states containing waste and uncultivated lands, made cessions of them to the United States. The declared object having been substantially the same in all of these cessions, it is only necessary to advert to the terms of some of them. The first, in order of time, was that of New York, made on the first day of March, 1781, by its delegation in Congress, in pursuance of an act of the legislature of the state; and the terms of the deed of cession expressly provide, that the ceded lands and territories were to be held 'to and for the only use and benefit of such of the states as are, or shall become, parties to the articles of confederation.' That of Virginia was the next in date, but by far the most important of all the cessions made by

who wish to understand Mr. Clay's public land policy, will read this document attentively, making due allowances for the growth of the country since that time, and the greater changes in some

the different states, both as respects the extent and value of the country ceded. It comprehended the right of that commonwealth to the vast territory northwest of the river Ohio, embracing but not confined to the limits of the present states of Ohio, Indiana, and Illinois. The deed of cession was executed by the delegation of Virginia in Congress, in 1784, agreeably to an act of the legislature, passed in 1783; and among other conditions, the deed explicitly declares, 'that all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions, in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other purpose or use whatever.' Passing by the cessions with other states, prompted by a magnanimous spirit of union and patriotism, successively made, we come to the last in the series, that of the state of Georgia, in 1802. The articles of agreement and cession entered into between that state and the United States, among various other conditions, contain the unequivocal declaration, 'that all the lands ceded by this agreement to the United States, shall, after satisfying the abovementioned payment of one million two hundred and fifty thousand dollars to the state of Georgia, and the grants recognised by the preceding conditions, be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.'

"Thus, by the clear and positive terms of these acts of cession, was a great public and national trust created and assumed by the general government. It became solemnly bound to hold and administer the lands ceded, as a common fund for the use and benefit of all the states, and for no other use or purpose whatever. To waste or misapply this fund, or to divert it from the common benefit for which it was conveyed, would be a violation of the trust. The general government has no more power, rightfully, to cede the lands thus acquired to one of the new states, without a fair equivalent, than it could retrocede them to the state or states from which they were originally obtained. There would indeed be much more equity in the latter than in the former case. Nor is the moral responsibility of the general government at all weakened by the consideration that, if it were so unmindful of its duty as to disregard the sacred character of the trust, there might be no competent power, peacefully applied, which could coerce its faithful execution.

"2d. The other source whence the public lands of the United States have been acquired, are, first, the treaty of Louisiana concluded in 1802; and secondly, the treaty of Florida, signed in 1819. By the first, all the country west of the Mississippi, and extending to the Pacific ocean, known as Louisiana, which had successively belonged to France, Spain, and France again, including the island of New Orleans, and stretching east of the Mississippi to the Perdido, was transferred to the United States, in consideration of the sum of fifteen millions of dollars, which they stipulated to pay, and have since punctually paid, to France, besides other conditions deemed favorable and important to her interests. By the treaty of Florida, both the provinces of East and West Florida, whether any portion of them was or was not comprehended within the limits of Louisiana, were ceded to the United States in consideration, besides other things, of the payment of five millions of dollars, which they agreed to pay, and have since accordingly paid.

"The large pecuniary considerations thus paid to these two foreign powers, were drawn from the treasury of the people of the United States, and, consequently, the countries for which they formed the equivalents, ought to be held and deemed for the common benefit of the people of the United States. To divert the lands from that general object; to misapply or sacrifice them; to squander or improvidently cast them away, would be alike subversive of the interests of the people of the United States, and contrary to the plain dictates of the duty by which the general government stands bound to the states and to the whole people.

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states than in others, as they affect the several classes of statistical information. There are the principles, and the full development of the scheme.

"It appears (from a report of the secretary of the treasury to the house of representatives, of the 6th of April, 1832) that the aggregate of all sums of money which have been expended by the United States, in the acquisition of the public lands, including interest on account of the purchases of Louisiana and Florida, down to the 30th of September, 1831, and including also expenses in their sale and management, is $48,077,551 40; and that the amount of money received at the treasury for proceeds of the sales of the public lands, down to the 30th of September, 1831, is $37,272,713 31. The government, therefore, has not been reimbursed by $10,804,838 09. According to the same report, it appears, that the estimated amount of unsold lands, on which the foreign and Indian titles have been extinguished, is 227,293,884 acres, within the limits of the new states and territories; and that the Indian title remains on 113,577,869 acres within the same limits; that there have been granted to Ohio, Indiana, Illinois, and Alabama, for internal improvements, 2,187,665 acres; for colleges, academies, and universities, in the new states and territories, the quantity of 508,009 acres; for education, being the thirty-sixth part of the public lands appropriated for common schools, the amount of 7,952,538 acres; and for seats of government in some of the new states and territories, 21,589 acres. By a report of the commissioner of the general land office, communicated to Congress with the annual message of the president of the United States, in December, 1827, the total quantity of the public lands beyond the boundaries of the new states and territories, was estimated to be 750,000,000 of acres. The aggregate, therefore, of all the unsold and unappropriated public lands of the United States, surveyed and unsurveyed, on which the Indian title remains or has been extinguished, lying within or without the boundaries of the new states and territories, agreeably to the two reports now referred to, is 1,090,871,753 acres. There had been 138,988,224 acres surveyed, and the quantity of only 19,239,412 acres sold down to the 1st of January, 1826. When the information called for shall be received, the subsequent surveys and sales, down to the present period, will be ascertained.

"The committee are instructed by the senate, to inquire into the expediency of reducing the price of the public lands, and also of ceding them to the several states in which they are situated, on reasonable terms. The committee will proceed to examine these two subjects of inquiry distinctly, beginning with that which relates to a reduction of price.

"1. According to the existing mode of selling the public lands, they are first offered at public auction for what they will bring, in a free and fair competition among the purchasers. When the public sales cease, the lands remaining unsold may be bought, from time to time, at the established rate of one dollar and a quarter per acre. The price was reduced to that sum in 1820, from two dollars per acre, at which it had previously stood from the first establishment of the present system of selling the public lands. A leading consideration with Congress in the reduction of the price, was that of substituting cash sales for the credits which had been before allowed, and which, on many accounts, it was deemed expedient to abolish. A further reduction of price, if called for by the public interests, must be required, either, first, because the government now demands more than a fair price for the public lands; or, secondly, because the existing price retards injuriously the settlement and population of the new states and territories. These suggestions deserve separate and serious consideration.

"First, the committee possess no means of determining the exact value of all the public lands now in market; nor is it material, at the present time, that the precise worth of each township or section should be accurately known. It is presumable that a considerable portion of the immense quantity offered for sale, or held by the United States, would not now command, and may not be intrinsically worth, the minimum price fixed by the law; on the other hand, it is certain that a large part is worth more. If there could be a discrimination made, and the government had any motives to hasten the sales beyond the regular demands of the population, it might be proper to establish different rates, according to the classes of land; but the government having no inducement to such acceleration, has hitherto proceeded on the liberal policy of establishing a moderate price, and

The importance of this subject is briefly represented by Mr. Clay, in his speech when the bill brought in with this report was under debate, as follows:—

"No subject which had presented itself to the present, or perhaps any preceding Congress, was of greater magnitude than that

by subdivision of the sections, so as to accommodate the poorer citizens, has placed the acquisition of a home within the reach of every industrious man. For one hundred dollars any one may now purchase eighty, and for fifty dollars, forty acres of first-rate land, yielding, with proper cultivation, from fifty to eighty bushels of Indian corn per acre, or other equivalent crops.

"There is no more satisfactory criterion of the fairness of the price of an article, than that arising from the briskness of the sales when it is offered in the market. On applying this rule, the conclusion would seem to be irresistible, that the established price is not too high. The amount of the sales in the year 1828, was $1,018,308 75; in 1829, $1,517,175 13; in 1830, $2,329,356 14; and during the year 1831, $3,000,000. And the secretary of the treasury observes, in his annual report, at the commencement of this session, that 'the receipts from the public lands, during the present year, it will be perceived, have likewise exceeded the estimates, and indeed have gone beyond all former example. It is believed that, notwithstanding the large amount of scrip and forfeited land stock that may still be absorbed in payment for lands, yet, if the surveys now projected be completed, the receipts from this source of revenue, will not fall greatly below those of the present year.' And he estimates the receipts, during the current year, from this source, at three millions of dollars. It is incredible to suppose that the amount of sales would have risen to so large a sum, if the price had been unreasonably high. The committee are aware that the annual receipts may be expected to fluctuate, as fresh lands, in favorite districts, are brought into market, and according to the activity or sluggishness of emigration in different years.

"Against any considerable reduction in the price of the public lands, unless it be necessary to a more rapid population of the new states, which will be hereafter examined, there are weighty, if not decisive considerations.

"First, the government is the proprietor of much the largest quantity of the unsettled lands of the United States. What it has in market, bears a large proportion to the whole of the unoccupied lands within their limits. If a considerable quantity of any article, land, or any commodity whatever, is in market, the price at which it is sold, will affect, in some degree, the value of the whole of that article, whether exposed to sale or not. The influence of the reduction of the price of the public lands, would probably be felt throughout the Union; certainly in all the western states, and most in those which contain, or are nearest to, the public lands. There ought to be the most cogent and conclusive reasons for adopting a measure which might seriously impair the value of the property of the yeomanry of the country. While they are decidedly the most important class in the community, most patient, patriotic, and acquiescent in whatever public policy is pursued, they are unable or unwilling to resort to those means of union and concert which other interests employ to make themselves heard and respected. Government should, therefore, feel itself constantly bound to guard, with sedulous care, the rights and welfare of the great body of our yeomanry. Would it be just toward those who have heretofore purchased public lands, at high prices—to say nothing as to the residue of the agricultural interests of the United States—to make such a reduction, and thereby impair the value of their property? Ought not any such plan of reduction, if adopted, to be accompanied with compensation for the injury which they would inevitably sustain?

"Secondly, a material reduction of price would excite the spirit of speculation, now dormant, and probably lead to a transfer of large quantities of the public domain, from the control of government to the hands of the speculator. At the existing price, and with such extensive districts as the public constantly offers in the market, there is no great temptation to speculation. The demand is regular, keeping pace with the progress of emigration, and is supplied on known and moderate terms. If the price were much reduced, the strongest incentives to the engrossment of better lands would be presented to large capitalists, and the emigrant, instead of being able to purchase from his own government, upon uniform

of the public lands. There was another, indeed, which possessed a more exciting and absorbing interest; but the excitement was happily but temporary in its nature. Long after we shall cease to be agitated by the tariff, ages after our manufactures shall have acquired a stability and perfection which will enable them success-

and established conditions, might be compelled to give much higher and more fluctuating prices to the speculator. An illustration of this effect is afforded by the military bounty lands granted during the late war. Thrown into the market at prices below the government rate, they notoriously became an object of speculation, and have principally fallen into the hands of speculators, retarding the settlement of the districts which include them.

"Thirdly, the greatest emigration that is believed now to take place, from any of the states, is from Ohio, Kentucky, and Tennessee. The effects of a material reduction in the price of the public lands, would be, first, to lessen the value of real estate in those three states; secondly, to diminish their interest in the public domain, as a common fund for the benefit of all the states; and thirdly, to offer what would operate as a bounty to further emigration from those states, occasioning more and more lands situated within them to be thrown into the market, thereby not only lessening the value of their lands, but draining them of both their population and currency.

"And, lastly, Congress has, within a few years, made large and liberal grants of the public lands to several states. To Ohio, 922,937 acres; to Indiana, 384,728 acres; to Illinois, 480,000 acres; and to Alabama, 400,000 acres;—amounting together to 2,187,665 acres. Considerable portions of these lands yet remain unsold. The reduction of the price of the public lands, generally, would impair the value of these grants, as well as injuriously affect that of the lands which have been sold in virtue of them."

The report proceeds to answer the objections, first, that the price retards the sale; and next, that the price is a tax; both of which are well refuted. It was shown, that in the increase of population in the United States, from 1820 to 1830, as declared by the census, being from 9,579,873 to 12,716,697, the average increase of the seven new states, Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, was *eighty-five* per cent., while the average increase of the seventeen states, containing no part of the public lands, was only *twenty-five* per cent., and that of the thirteen original states only *seventeen* per cent. To the objection, that the public lands were not taxable for the expenses of the states in which they lie, it was answered, first, that, in lieu thereof, those states received five per cent. of the proceeds of the sales; next, that one section in every township, or one thirty-sixth part of the whole, was reserved to those states for purposes of education; and that other liberal grants of land for special and local purposes, were made to those states. In addition to all this, the committee recommended, that ten per cent. more of the then future proceeds of the sales be granted to the states within which they should be made, for purposes of internal improvement. The report then proceeds:—

"2. The committee have now to proceed to the other branch of the inquiry, which they were required to make, that of the expediency of ceding the public lands to the several states in which they are situated, on reasonable terms. The inquiry comprehends, in its consequences, a cession of the whole public domain of the United States, whether lying within or beyond the limits of the present states and territories. For, although, in the terms of the inquiry, it is limited to the new states, cessions to them would certainly be followed by similar cessions to other new states, as they may, from time to time, be admitted into the Union. Three of the present territories [Michigan, Iowa, and Florida] have nearly attained to the requisite population entitling them to be received as members of the confederacy, and they shortly will be admitted. Congress could not consistently avoid ceding to them the public lands within their limits, after having made such cessions to the other states. The compact with the state of Ohio formed

fully to cope with the manufactures of any other country, the public lands will remain a subject of deep and enduring interest. In whatever view we contemplate them, there is no question of such vast importance. As to their extent, there is public land enough to found an empire. Stretching across this immense continent, from

the model of compacts with all the other new states as they were successively admitted.

"Whether the question of a transfer of the public lands be considered in the limited or more extensive view of it which has been stated, it is one of the highest importance, and demanding the most deliberate consideration. From the statements founded on official reports, made in the preceding part of this report, that the quantity of unsold and unappropriated lands, lying within the limits of the new states and territories, is 340,871,753 acres, and the quantity beyond those limits, is 750,000,000 of acres, presenting an aggregate of 1,090,871,753 acres. It is difficult to conceive a question of greater magnitude than that of relinquishing this immense amount of national property. Estimating its value according to the minimum price, it presents the enormous sum of $1,363,589,691. If it be said, that a large portion of it will never command that price, it is to be observed, on the other hand, that, as fresh lands are brought into market, and exposed to sale at public auction, many of them sell at prices exceeding one dollar and a quarter per acre. Supposing the public lands to be worth, on an average, one half of the minimum price, they would still present the immense sum of $681,794,845. The least favorable view which can be taken of them, is, that of considering them a capital yielding at present an income of three millions of dollars annually. Assuming the ordinary rate of six per cent. interest per annum as the standard to ascertain the amount of that capital, it would be fifty millions of dollars. But this income has been progressively increasing. The average increase during the six last years has been at the rate of twenty-three per cent. per annum. Supposing it to continue in the same ratio, at the end of a little more than four years, the income would be doubled, and make the capital one hundred millions of dollars. While the population of the United States increases only three per cent per annum, the increas · of the demand for the public lands is at the rate of twenty-three per cent., furnishing another evidence that the progress of emigration, and the activity of sales, have not been checked by the price demanded by the government.

"In whatever light, therefore, this great subject is viewed, the transfer of the public lands from the whole people of the United States, for whose benefit they are now held, to the people inhabiting the new states, must be regarded as the most momentous measure ever presented to the consideration of Congress. If such a measure could find any justification, it must arise out of some radical and incurable defect in the construction of the general government properly to administer the public domain. But the existence of any such defect is contradicted by the most successful experience. No branch of the public service has evinced more system, uniformity, and wisdom, or given more general satisfaction, than that of the administration of the public lands.

"If the proposed cession to the new states were to be made at a fair price, such as the general government could obtain from individual purchasers, under the present system, there would be no motive for it, unless the new states are more competent to dispose of the public lands than the common government. They are now sold under one uniform plan, regulated and controlled by a single legislative authority, and the practical operation is perfectly understood. If they were transferred to the new states, the subsequent disposition would be according to aws emanating from various legislative sources. Competition would probably arise between the new states, in the terms which they would offer to purchasers. Each state would be desirous of inviting the greatest number of emigrants, not only for the laudable purpose of populating rapidly its own territories, but with a view to the acquisition of funds to enable it to fulfil its engagements to the general government. Collisions between the states would probably arise, and their injurious consequences may be imagined. A spirit of hazardous speculation would be engendered. Various schemes of the new states would be put afloat to sell or divide the public lands. Companies and combinations would be formed in this country, if not in foreign countries, presenting gigantic and tempting, but delu-

the Atlantic to the Pacific ocean, from the gulf of Mexico to the northwestern lakes, the quantity, according to official surveys and estimates, amounting to the prodigious sum of one billion and eighty millions of acres!"

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sive projects, and the history of legislation, in some of the states of the Union, admonishes us, that a too ready ear is sometimes given by a majority in a legislative assembly, to such projects.

"A decisive objection to such a transfer for a fair equivalent, is, that it would establish a new and dangerous relation between the general government and the new states. In abolishing the credit which had been allowed to purchasers of the public lands prior to the year 1820, Congress was principally governed by the consideration of the inexpediency and hazard of accumulating a large amount of debt in the new states, all bordering on each other. Such an accumulation was deemed unwise and unsafe. It presented a new bond of interest, of sympathy, and of union, partially operating to the possible prejudice of the common bond of the whole Union. But that debt was a debt due from individuals, and it was attended with this encouraging security, that purchasers, as they successively completed the payments for their lands, would naturally be disposed to aid the government in enforcing payment from delinquents. The project which the committee are now considering, is, to sell to the states, in their sovereign character, and consequently to render them public debtors to the general government to an immense amount. This would inevitably create among the debtor states a common feeling, and a common interest, distinct from the rest of the Union. These states are all in the western and southwestern quarter of the Union, remotest from the centre of federal power. The debt would be felt as a load, from which they would constantly be desirous to relieve themselves, and it would operate as a strong temptation, weakening, if not dangerous to the existing confederacy. The committee have the most animating hopes, and the greatest confidence in the strength and power and durability of our happy Union, and the attachment and warm affection of every member of the confederacy can not be doubted; but we have authority higher than human, for the instruction, that it is wise to avoid all temptation.

"In the state of Illinois, with a population at the last census, of 157,445, there are 31,395,969 acres of public land, including that part on which the Indian title remains to be extinguished. If we suppose it to be worth only half the minimum price, it would amount to $19,622,480. How would that state be able to pay such an enormous debt? How could it pay even the annual interest upon it?

"Supposing the debtor states to fail to comply with their engagements, in what mode could they be enforced by the general government? In treaties between independent nations, the ultimate remedy is well known. The apprehension of an appeal to that remedy, seconding the sense of justice, and the regard for character, which prevail among Christian and civilized nations, constitutes, generally, adequate security for the performance of national compacts. But this last remedy would be totally inadmissible in case of delinquency on the part of the debtor states. The relations between the general government and the members of the confederacy, are happily those of peace, friendship, and paternity, and exclude all idea of force and war. Could the judiciary coerce the debtor states? On what could process operate? Could the property of innocent persons residing within the limits of those states, be justly seized by the general government, and held responsible for debts contracted by the states themselves in their sovereign character? If a mortgage upon the lands ceded were retained, that mortgage would prevent or retard subsequent sales by the states, and if individuals bought subject to the incumbrance, a parental government could never resort to the painful measure of disturbing them in their possessions.

"Delinquency on the part of the debtor states would be inevitable, and there would be no effectual remedy for the delinquency. They would come again and again to Congress, soliciting time and indulgence, until, finding the weight of the debt intolerable, Congress, wearied by reiterated applications for relief, would finally resolve to spunge the debt; or, if Congress attempted to enforce its payment another and a worse alternative would be embraced.

"If the proposed cession be made for a price merely nominal, it would be contrary to the express conditions of the original cessions from primitive states to

"Whatever may be the fate of the particular proposition now under consideration, I sincerely hope that the attention of the nation may be attracted to this most interesting subject; that it may justly appreciate the value of this immense national property; and that, preserving the regulation of it by the will of the whole, for the advantage of the whole, it may be transmitted, as a sacred and inestimable succession, to posterity, for its benefit and blessing for ages to come."

The historical origin of this report is worthy of notice. Mr. Clay being a candidate for the presidency in 1832, it was thought by his political opponents, that, by imposing on him the duty of making a report on the land question, he would injure his prospects in the western and new states. They believed, that he could not make a report on that subject, consistent with his known principles, without destroying himself as a candidate before the people; and having a majority in the senate, they conspired to impose on him this duty, by referring the subject to the committee on manufactures, of which Mr. Clay was chairman. Nothing could be more obviously improper, than such a reference, when there was a standing committee in the senate on the public lands. Mr. Clay and his friends protested against it; but it was of no avail. The subject was imposed upon the committee on manufactures, and, being forced into the service, they were obliged to take it up. The duty of preparing the report, as was expected and intended, devolved on Mr. Clay. Such is its origin.

The following extract from a private letter to Judge Brooke, written at this time, sheds some light on this subject:—

"WASHINGTON, *March* 28, 1832.

"MY DEAR SIR: You will have seen the disposition made on

Congress, and contrary to the obligations which the general government stands under to the whole people of the United States, arising out of the fact, that the acquisitions of Louisiana and Florida, and from Georgia, were obtained at a great expense, borne from the common treasure, and incurred for the common benefit. Such a gratuitous cession could not be made, without a positive violation of a solemn trust, and without manifest injustice to the old states. And its inequality among the new states would be as marked as its injustice to the old would be indefensible. Thus, Missouri, with a population of 140,455, would acquire 38,291,-152 acres; and the state of Ohio, with a population of 935,884, would obtain only 5,586,834 acres. Supposing a division of the land among the citizens of these two states respectively, the citizen of Ohio would obtain less than six acres for his share, and the citizen of Missouri upward of two hundred and seventy-two acres as his proportion!

"Upon full and mature consideration, the committee have come to the conclusion, that it is inexpedient, either to reduce the price of the public lands, or to cede them to the new states."

* * * * * * *

A bill was reported, entitled, "An act to appropriate, for a limited time, the proceeds of the sales of the public lands," embracing Mr. Clay's well-known views, as developed in this chapter.

Thursday last of my resolution respecting the tariff. On that occasion some developments were made of a scheme which I have long since suspected—that certain portions of the south were disposed to purchase support to the anti-tariff doctrines by a total sacrifice of the public lands to states within which they are situated! A more stupendous, and a more flagitious project was never conceived! It will fail in its object; but it ought to be denounced. A majority of the senate (composed of all the anti-tariff senators, and some of the Jackson tariff senators) referred a resolution concerning the public lands to the committee on manufactures! Can you conceive a more incongruous association of subjects? There were two objects: the first I have suggested; the second was to affect me personally, by placing me in a situation in which I must report unfavorably to the western and south-western states, which are desirous of possessing themselves of the public lands. I think I shall disappoint the design, by presenting such views of that great interest as will be sustained by the nation. Meantime, I should be glad if you would give some hints to our friend ——, and let him sound the tocsin. In Illinois there are about forty millions of acres of public lands, and about one hundred and fifty or one hundred and sixty thousand people. What think you of giving that large amount of lands to this comparatively small number of people? If it were nominally sold to them, it would in the end amount to a mere donation.

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"Truly your friend,

"H. Clay.

"The Hon. F. T. Brooke."

But they who had forced on Mr. Clay the duty of making this report, at this critical time, intending it for his political ruin, were astounded when it was introduced. They could not complain, that he had desired that function. He had protested against it, and most reluctantly acquiesced in the decision of the senate. He knew their motive, and perhaps thought, that the execution of the task would be politically injurious to him. But they who understand Mr. Clay's character, know very well, that he was never known to shrink from a public duty for such a reason. He sat himself down to the work, surveyed the field with the object in view, collected and collated the facts, and the report is the product of his labors on that occasion. Thanks to his enemies. Doubtless the country would have had this policy laid out in some other form, by the same hand. It is indeed to be found in Mr. Clay's speeches on this subject. But it was better to have it in this form, as a permanent public document—being, as it is, a succinct, com-

pact, comprehensive, matter-of-fact, unanswerable development of the system, done to the hand of all who may have occasion to become acquainted with it, whether from curiosity, or interest, or the practical uses of statesmen.

The legislatures of six of the new states, Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, had memorialized Congress in favor of the policy directly opposed to that advanced and advocated by Mr. Clay in this report, that is, to reduce the price of the public lands, and cede them to the states in which they lie; and it was confidently expected by those who thrust upon Mr. Clay this duty, that, in the discharge of it, he would render himself obnoxious to those states. But what was their surprise, and consternation, when they found the report proved, that a new state almost immediately on its organization becomes an old state, *quo ad hoc*, in its interest in the public domain as a common stock of the entire Union? Even if one or two of the new states at that time might have been allured by the temptation of acquiring immediate possession and control of the public lands within their own bounds, a second thought, in view of Mr. Clay's report, would teach them, that it was even wiser to remain fellow-heirs of the magnificent estate of the whole family, than, by snatching their portions now, be cut off from all the chances of the future.

Mr. Clay, in his speech on the bill accompanying this report, expressed himself on this point as follows:—

"The equality contended for between all the states, now exists. The public lands are now held, and ought to be held and administered, for the common benefit of all I hope our fellow-citizens of Illinois, Indiana, and Missouri, will reconsider the matter; that they will cease to take counsel from demagogues who would deceive them, and instil erroneous principles into their ears; and that they will feel and acknowledge that their brethren of Kentucky, and of Ohio, and of all the states in the Union, have an equal right with the citizens of those three states, in the public lands. If the possibility of an event so direful as a severance of this Union were for a moment contemplated, what would be the probable consequence of such an unspeakable calamity? If three confederacie were formed out of its fragments, do you imagine that the weste confederacy would consent to have the states including the public lands hold them exclusively for themselves? Can you imagine that the states of Ohio, Kentucky, and Tennessee, would quietly renounce their right in all the public lands west of them? No, sir No, sir! They would wade to their knees in blood, before they would make such an unjust and ignominious surrender

'But this pretension, unjust to the old states, unequal as to all, would be injurious to the new states themselves, in whose behalf it has been put forth, if it were recognised. The interest of the new states is not confined to the lands within their limits, but extends to the whole billion and eighty millions of acres. Sanction the claims, however, and they are cut down and restricted to that which is included in their own boundaries. Is it not better for Ohio, instead of the five millions and a half, or Indiana, instead of the fifteen millions, or even for Illinois, instead of the thirty-one or thirty-two millions, or Missouri, instead of the thirty-eight millions, within their respective limits, to retain their interest in these several quantities, and also to retain their interest, in common with the other members of the Union, in the countless millions of acres that lie west, or northwest, beyond them?"

To the utter disappointment of Mr. Clay's political opponents in the senate, contrary most probably to the expectations of his own friends, and not unlikely beyond his own hopes, his report was a decided triumph. The senate refused to take up the bill that was brought in with it, and immediately turned round, and recommitted the subject to the committee on public lands, for a counter report! Mr. Clay remonstrated, as justly he might. It was an indignity. They had forced him to this task, with the hope of destroying him; and now, finding that they had only injured themselves, and apparently laid the foundation of Mr. Clay's fortunes, it behooved them to do all they could to undo Mr. Clay's work, and in one month thereafter, an elaborate counter-report was submitted to the senate by Mr. King, of Alabama, chairman of the committee on public lands!

This singular procedure, and its result, were described by Mr. Clay, when he brought forward his land bill a second time, in 1835, as follows:—

"The affair of the public lands was forced upon me. In the session of 1831 and 1832, a motion from a quarter politically unfriendly to me, was made to refer it to the committee of manufactures, of which I was a member. I strenuously opposed the reference. I remonstrated, I protested, I entreated, I implored. It was in vain that I insisted that the committee on the public land was the regular standing committee to which the reference should be made. It was in vain that I contended that the public lands and domestic manufactures were subjects absolutely incongruous. The unnatural alliance was ordered by the vote of a majority of the senate. I felt that a personal embarrassment was intended me. I felt that the design was to place in my hands a many-edged instrument, which I could not touch without being wounded.

Nevertheless I subdued all my repugnance, and I engaged assiduously in the task which had been so unkindly assigned me. This, or a similar bill, was the offspring of my deliberations. When reported, the report accompanying it was referred by the same majority of the senate to the very committee on the public lands to which I had unsuccessfully sought to have the subject originally assigned, for the avowed purpose of obtaining a counteracting report. But, in spite of all opposition, it passed the senate at that session. At the next, both houses of Congress."

It is not averred, that none of the reasoning of this counter report is better than the following specimen, adduced as one of several, to show "why the price of the public lands should be reduced, the sales of them accelerated, and the federal title speedily extinguished in the new states." Nevertheless, its glaring fallacy is a tolerably fair illustration of the general argument:—

"*Because* [the report says] the sum of four hundred and twenty-five millions of dollars, proposed to be drawn from the new states and territories, by the sale of their soil at one dollar and twenty cents an acre, is unconscionable and impracticable—such as never can be paid—and the bare attempt to raise which, must drain, exhaust, and impoverish those states, and give birth to the feelings which a sense of injustice and oppression never fail to excite."

Without noticing the borrowed or fictitious subject of this argument, to wit, the four hundred and twenty-five millions of dollars proposed to be drawn away from the new states, its fallacy, as will be seen, consists in the assumption, that the payments for new and wild lands, withdraw so much money from regions where no money was; whereas, the money is withdrawn from other states, and other countries, whence the immigrants come. It is these latter states and countries, which are impoverished, not only by the moneyed capital withdrawn, but by the withdrawal of all the capital of labor, which the emigrants carry with them; and the new and wild districts, to which they go, are enriched, first, by the amount of the capital of labor introduced by the settlers; next, by the money, goods, and chattels, which they have left, after paying for their lands; thirdly, by their share in the common fund, to which their payments have contributed; and lastly, the immigrants themselves have a *quid pro quo*. It can not but be seen, that an argument made up of such reasoning, must be a very frail one. Let those who wish to see it demolished in detail, read Mr. Clay's speech of June 20, 1832.

This counter report received the consideration it deserved. Not only was Mr. Clay's report triumphant, but his bill triumphed, having twice passed the senate, once at the first session of the twenty-second Congress; again at the second session, by a vote of 24 to 20; and then it was passed in the house of representatives, by the strong vote of 96 to 40. It happened, however, that the final action of the house on the bill, was not till Saturday, the 2d of March, the last but one of the constitutional term of that Congress, and as Sunday was not a working day, it required the immediate attention of the president, to become a law. He retained the bill till the opening of the next Congress, and returned it with his objections, on which occasion, December 5, 1833, Mr. Clay expressed himself as follows:—

"This measure had been first introduced into Congress at the session before the last, under circumstances which must be within the recollection of every member of the senate. Its object was, to dispose of the proceeds of the public lands for a limited time. The subject had been greatly discussed, not only in Congress, but throughout the country. The principles and provisions of the bill were well and generally understood. The subject had attracted the attention of the chief magistrate himself, and this bill was made the subject of commentary in his message at the commencement of the last session of Congress. It must, therefore, be considered as a subject perfectly well understood by the president, for it was not to be supposed that he would have commented upon it, and recommended it to the attention of Congress, if it had not been understood. During the last session, this bill, which had previously been before the house, was introduced in this body, and was passed, and sent to the other house, whence it was returned with a slight amendment, taking away the discretion which had been vested in the state legislatures as to the disposal of the proceeds. This bill, which had been before Congress the session before the last, which had passed at the last session, having been before the country for a whole year, when it passed the two houses, was placed before the executive, with a number of other measures, just before the close of the last Congress. As the subject had been before the president for consideration so long previously to the passage of the bill, and he had reflected upon it, it was not to have been expected that he would take advantage of the shortness of the session to retain the bill until this time. Yet such had been the fact, and a proceeding had taken place which was unprecedented and alarming, and which unless the people of this country were lost to all sense of wha was due to the legislative branch of the government, to themselves and to those principles of liberty which had been transmitted

them from the revolution, they would not tolerate. It was at least due to the legislature, that the president should have sent a few lines, courteously informing them, that when his own mind was made up he would communicate the result. But, without deigning to make known his intention, or to impart the reasons which influenced him, he despotically kept silence, and retained the bill. He begged leave to congratulate the senate on the return of the bill. The question which now presented itself was, whether the bill was dead, in consequence of the non-action of the president, or whether it had become an existing law? He was not now about to discuss that question; but he had felt himself called on to make a few observations on the extraordinary course, and to say that it was due to Congress, to the people, and to the executive himself, to have informed the last Congress in reference to this subject, concerning which he must have made up his mind. . . . . He must repeat, that the withholding of the land bill, at the last session, under the circumstances of the case, was a violation of the constitution, and disrespectful to the senate. . . . . .

"It may be true, that there was a great press of business on the president on the second of March, and that he may have acted upon some ninety or one hundred bills. But this is what occurs with every president on the day before the termination of the short session of Congress. With most of those bills the president must have been less acquainted than he was with the land bill. Of some of them he probably had never heard at all. Not one of them possessed the importance of the land bill. How did it happen that the president could find time to decide on so many new bills, and yet had not time to examine and dispose of one which had long been before him and the public; one embracing a subject which he thought the union, harmony, and interests of the states required should be *speedily* adjusted; one which he himself had pronounced his judgment upon at the commencement of the session? By withholding the bill, the president took upon himself a responsibility beyond the exercise of the veto: He deprived Congress altogether of its constitutional right to act upon the bill, and to pass it, his negative notwithstanding.

"The president is, by the constitution, secured time to consider bills which shall have passed both branches of Congress. But so is Congress equally secured the right to act upon bills which they have passed, and which the president may have thought proper to reject. If he exercises his veto, and returns the bill, two thirds may pass it. But if he withholds the bill, it can not become a law, even although the two houses should be unanimously in its favor.

"Mr. Clay denied that the constitution gave to the president ten days to consider bills, except at the long session. At that session, the period of its termination is uncertain, and dependent

upon the will of Congress. To guard against a sudden adjournment, by which the president might be deprived of due time to deliberate on an important bill, the constitution provides for ten days at that session. But, at the short session, it is not an adjournment but a dissolution of Congress, on the third of March, and the day of that dissolution is fixed in the constitution itself, and known to all.

"Mr. Clay contended, therefore, that the act of withholding the bill was arbitrary and unconstitutional, by which Congress, and the senate especially, in which the bill originated, were deprived of their constitutional right of passing on the bill, after the president had exercised his powers. Respect to Congress required of the president, if he really had not time to form a judgment on the bill, or, having formed it, had not time to lay his reasons before the body, a communication to that effect. But, without condescending to transmit one word upon the subject to Congress, he suffered the session to terminate, and the members to go home destitute of all information, until this day, of his intentions."

It was believed, that this bill would have passed the twenty-second Congress by a vote of two thirds, if it had been returned to them under a veto. It only required a change of two votes in the senate.

In December, 1835, soon after the opening of the twenty-fourth Congress, Mr. Clay again brought forward his land bill, and the following is an extract from his speech on the occasion :—

"Mr. President: I have ever regarded with feelings of the profoundest regret, the decision which the president of the United States felt himself induced to make on the bill of 1833. If it had been his pleasure to approve it, the heads of departments would not now be taxing their ingenuity to find out useless objects of expenditures, or objects which may be well postponed to a more distant day. If the bill had passed, about twenty millions of dollars would have been, during the three last years, in the hands of the several states, applicable by them to the beneficent purposes of internal improvement, education, or colonization. What immense benefits might not have been diffused throughout the land by the active employment of that large sum? What new channels of commerce and communication might not have been opened? What industry stimulated, what labor rewarded? How many youthful minds might have received the blessings of education and knowledge, and been rescued from ignorance, vice, and ruin? How many descendants of Africa might have been transported from a country where they never can enjoy political or social equality, to the native land of their fathers, where no impediment exists to their attainment of the highest degree of elevation, intel

lectual, social, and political? Where they might have been successful instruments, in the hands of God, to spread the religion of his Son, and to lay the foundations of civil liberty!

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"Placing this exhaustless fund in the hands of the several members of the confederacy, their common federal head might address them in the glowing language of the British bard:—

> 'Bid harbors open, public ways extend,
> Bid temples worthier of the God ascend.
> Bid the broad arch the dangerous flood contain,
> The mole projecting break the roaring main.
> Back to his bounds their subject sea command,
> And roll obedient rivers through the land.'"

The bill passed the senate, with an increased majority over that of the twenty-second Congress, it being 25 to 20, and was believed to be equally desired by the nation. But the house of representatives was at this time so much under executive (General Jackson's) influence, that it was lost there by a vote of 104 to 85. From that time to the present, the people have desired it. It has ever been a popular measure, as proposed and explained in Mr. Clay's report of 1832. When there were only twenty-six states, twenty of them, by the action of their respective legislatures, had memorialized Congress in favor of the distribution policy, as advocated by Mr. Clay. But the monarchical, regal power of the veto, has prevented the attainment of the public will. It was strangled again by Mr. Tyler in 1842.

Apart from the political aspects of this controversy, either for party purposes or general good, the first question that arises, is, as to the power of Congress over the subject. This is determined by the following clause in the third section of the fourth article of the federal constitution: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the TERRITORY or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state." As this power is plenary and unqualified, it requires no comment.

The next question is one of *judicial right*, and may be stated as follows: What were the *conditions* of the deeds of cession of the public domain from the states to the United States; what were the *purposes* of those acts as understood by the parties; and what *practical rule or rules* will result from them, for the administration of this great estate, and for the disposition of its proceeds?

It should be understood, that while the colonies were parts of the British empire, the public lands were chiefly owned, under charter rights from the crown, by Massachusetts, Connecticut, New York, Virginia, North Carolina, South Carolina, and Georgia, while the other of the thirteen original states had no interest in them. It will be apparent, however, that the perils, toils, cost of blood and treasure, and other sacrifices of the revolutionary struggle, fell equally upon all the states, while the debts were rapidly accumulating, and in the end rose to a great and oppressive magnitude. It was impossible, in these circumstances, to repress the question, whether it was fair, that the states which had no interest in the titles of the public lands, should be obliged to fight, shed their blood, and pour out their treasures *equally*, in defence of this vast territorial domain, and finally be excluded from all participation in the benefits? More than this, whether they should be left in the end, with a debt upon their shoulders, without means or power to meet it, while the other states, which would have done no more, would have an estate large enough for an empire, and valuable beyond estimation? No one can deny the pertinence of such a question. It was unanswerable.

It is also important to observe, that the original CONFEDERATION of the states, was a mere association of separate sovereignties, for common good, and for a common end. The states were not a nation, in the common sense of the term, till the adoption of the constitution. The confederation was capable of dissolution; the Union is not, except by violence. The question about the public lands, as it existed among the states, was started, agitated, and settled by them, in their capacity and character as confederated states, not as integral portions of a republican empire. For a right understanding of the case, it is necessary, that this state of things should be kept in view.

Contemporaneously with the agitation of this question among the states, the old Congress, for several years, sympathized, and formally expressed their views and purposes. To check the progress of discontent, and suppress controversy between the parties to this question, they had recommended a cession of these territories to the United States for common use and benefit, and in October 1780, "*Resolved*, that the unappropriated land that may be ceded or relinquished to the United States, by any particular state, pursuant to the recommendation of Congress of the 6th of September ast, shall be disposed of for the COMMON benefit of the United

States," that is of the CONFEDERATED states, such being their position at the time, before the Union, under the constitution, was conceived. The recommendation alluded to and this resolution were held out as a LURE to the states, and as a SECURITY of their rights in the public domain. Considering the character of the government at that time, under the confederation, it was precisely the same as saying to the states, in order to remove all grounds of jealousy and concern—*You shall in no wise lose your rights in this property*, AS STATES. It was to rescue the lands from controversy *between* the states, that this arrangement was recommended and consummated, and not to invalidate their rights as PARTIES. It is obvious, if the states, which owned the lands were unwilling to give a PART interest in them to the other states, that they would never entertain the idea of making over the WHOLE to a third party, and all for the benefit of that party. It would be absurd to suppose, that such was the case. But the term "UNITED States," at that time, was synonymous with CONFEDERATED states, and that settles the point.

It is to be observed, that the states, which owned the public lands by charter rights, were slow and reluctant to part with them, and it was only a sense of justice to the other states, and of the necessities of the country, that finally prevailed. New York came first into the arrangement, in 1780. Virginia, whose domain was vast, held the question in suspense, till 1783, and although the resolution of Congress, as above represented, was couched in terms expressly to guaranty the ultimate destination of the avails or proceeds of the lands to the states, in their STATE CAPACITY, yet, to make the security doubly secure against any possible future interpretation of the cession into a QUITCLAIM, the legislature of Virginia selected the most explicit terms to guard and defend this point, in their act of cession, as follows: "That all the lands within the territory so ceded, and not reserved, &c., "shall be *considered a* COMMON FUND *for the use and benefit of such of the United* [*confederated*] *States as have become, or shall become, members of the confederation, or federal alliance of the said states, Virginia inclusive*, ACCORDING TO THEIR USUAL RESPECTIVE PROPORTIONS *in the general charge and expenditure, and shall be* FAITHFULLY AND BONA FIDE *disposed of for that purpose*, AND FOR NO OTHER USE OR PURPOSE WHATEVER."

Massachusetts followed in 1784, and having the law of Virginia before them, must have intended the same thing. In 1786, Con-

necticut passed her act of cession "to the *United* [*confederated*] States, in Congress assembled, *for the common use and benefit of the said states, Connecticut inclusive.*" In 1787, South Carolina ceded her vacant territory "to the United States in Congress assembled, *for the benefit of said states.*" In 1789, North Carolina ceded in terms as follows: "All the lands intended to be ceded by virtue of this act, *shall be considered as a* COMMON FUND *for the use and benefit of the United* [*confederated*] *States of America, North Carolina inclusive,* ACCORDING TO THEIR RESPECTIVE AND USUAL PROPORTION *in the general charge and expenditure, and shall be* FAITHFULLY *disposed of for that purpose,* AND FOR NO OTHER USE OR PURPOSE WHATEVER." The cession from the state of Georgia was made in 1802, the conditions of which are as follows: "That all the lands ceded by this agreement to the United States, *shall be considered as* A COMMON FUND, *for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.*"

First, it is to be considered, that the deeds of cession originated and were matured under the CONFEDERATION, when the states existed under their separate systems of political economy. The agitation of the question commenced early in the history of the revolutionary war, and the principles of cession were settled before 1780, in which year the old Congress, as seen, acted formally on the subject, first, by recommending this course to the states, and next, by adopting a resolution to secure the rights of the states. The acts of cession by six of the seven ceding states, bear the following dates: That of New York, 1780; of Virginia, 1783; of Massachusetts, 1784; of Connecticut, 1786; of South Carolina, 1787; of North Carolina, 1789; and the constitution was adopted in 1789. Thus it appears, that the whole plan was fixed in that state of things, which existed under the confederation. This is an important fact in the question of interpretation, as it goes to show in what sense the terms and phraseologies of the deeds of cession were used. The states at that time had no idea of th UNION, as embodied in the constitution of the United States, and as entertained since its adoption; but they all looked to their separate interests as paramount with them to all other considerations. In this view, let the terms and phraseologies of the deeds be considered: 1. "Shall be considered a *common fund* for the use and benefit of *such* of the United [confederated] States, as *have* become,

or *shall* become, members of the *confederation*, or *federal alliance* of the *said* states." The words "*common fund*," and "*such* of the United States," in connexion with what follows, most clearly constituted the *states*, in distinction from the *confederation*, as the parties to be benefited by this arrangement. Every one will see, that such language was not required in a cession to the *nation, for the use and benefit* of the nation, and that it is incredible it should have been employed for that object. 2. "Virginia *inclusive*," "Connecticut *inclusive*," "North Carolina *inclusive*," "Georgia *included*." This, it will be observed, is a legal technicality, arising from the principle of law, that when one party of two or more parties, makes a conveyance to the others, as in this case, the party executing the deed retains no right, but conveys *all* title, except by the introduction of this saving clause, as "Virginia *inclusive*," which leaves Virginia her right, according to the terms specified. If the cession had been made for the use and benefit of the United States as *one nation*, Virginia of course would have been *included*, and there would have been no need of this phrase; but, as it was manifestly made for the use and benefit of the *states*, in their separate capacities, it was necessary in law to introduce this phrase, to save the right of Virginia, else she would have retained none. If there were no other evidence of the *intent* of this instrument, as being for the *states*, and not for the *nation*, this alone would be conclusive. 3. "According to their usual respective proportions in the general charge and expenditure." Here is the *rule* of distribution. It would be strange, indeed, that it should be possible to suppose that *no* distribution was intended, when the *rule* is given! Can anything be more clear? 4. "Shall be faithfully and *bona fide* disposed of for that purpose." "Bona fide," in good faith. But what faith is required for a party to manage its *own* for *itself*? If the public domain is the property of the United States as a *nation*, there is no faith with the *states* concerned in its administration. 5. "And for no *other* use or purpose whatsoever.' If these lands were not given in trust for the use and benefit of the states *as such*, then the contracting parties are chargeable with the absurdity of agreeing, that they shall not be disposed of for the use and benefit of foreign powers! Was there any apprehension of that?

With these *express and explained* conditions (it is remarkable that they were *explained* by *expletive* phraseology), the general government *accepted* the trust, and became a party to the covenant

It was to settle a most serious difference, an alarming controversy among the states—a controversy which had well nigh sacrificed independence, and which, if continued, would have rendered independence of little avail. It was a great compromise, such as has frequently characterized the history of the country in critical emergencies. But the states took care not to surrender their RIGHTS.

It is manifest from these facts and terms, that the articles of cession were DEEDS OF TRUST. In all cases of trust, the trustee is not proprietor of that which is put into his hands, but an agent bound by the instructions of the instrument that invests him with his functions. This is a principle which is perfectly understood, because it is one constantly practised in society, in the administration of common law and statute regulations. In the case of Jackson *vs.* Clark, supreme court, United States, 1 Peters, 635, Chief-Justice Marshall, after having cited the terms and conditions of the Virginia cession, says: "The government of the United States, then, received this territory IN TRUST, not only for the Virginia troops on the continental establishment, but also for the use and benefit of the members of the CONFEDERATION: and this TRUST is to be executed, by a faithful and BONA FIDE disposition of the land for that purpose. We can not," says the chief-justice, "take a retrospective view of the THEN situation of the United States, without perceiving the importance which must have been attached to this part of the TRUST," &c. Throughout his argument, in this decision, the chief-justice uniformly calls these deeds of cession "A TRUST;" and there is probably no man who would presume to call this authority in question.

In 1825, the Hon. Rufus King, of New York, introduced a resolution into the senate of the United States, having in view the appropriation of the proceeds of the public lands, BY THE STATES, to the emancipation and colonization of slaves, with the consent of parties, which began thus: "*Resolved*, That as soon as the portion of the existing funded debt of the United States, for the payment of which the public land is PLEDGED, shall have been paid off," &c. Of this resolution, Chief-Justice Marshall, in a letter of December 14, 1831, to the Rev. R. R. Gurley, secretary of the American Colonization Society, says: "I have always thought, and still think, that the proposition made by Mr. King, in the senate, is the most UNEXCEPTIONABLE," &c. This term, "unexceptionable," it is supposed, refers to the RIGHT of the states to

the proceeds of the public lands, as the recognised ground of Mr. King's resolution.

Mr. Madison, in a letter to the same gentleman, on the same subject, December 29, 1831, says: "My thoughts and hopes [for the aid of colonization] have long been turned to the rich fund presented in the western lands of the nation, *which will soon entirely cease to be under a* PLEDGE *for another object.*" General Jackson, in his message of December, 1832, says: "As the lands may now be considered as *relieved from the* PLEDGE, the object for which they were ceded having been accomplished," &c.

These several authorities, in view of the language of the deeds of cession, will doubtless be regarded as sufficient to establish the "TRUST."

It is also to be observed, that the PRINCIPLE of distribution is recognised in this TRUST: "ACCORDING TO THEIR USUAL RESPECTIVE PROPORTIONS IN THE GENERAL CHARGE AND EXPENDITURE." Here, as will be seen, is at the same time the PRINCIPLE and the RULE. That such was the understanding of the compact between the states on one side and the United States on the other, is evident, first from the fact that the deeds of cession were familiar to all the parties before they were finally ratified, and next from the fact, that the United States ACCEPTED the trust on this condition, and with these instructions. If there had been nothing ELSE, either in the history of the time, or in the deeds of conveyance, to settle and determine the PRINCIPLE of distribution, this alone would fix it. But it appears, that these cessions were made under the CONFEDERATION, as the date and terms of them show, when each state looked after its own interests with a jealous eye. Hence the reason, why these deeds are so carefully guarded against acts of usurpation and fraud on the part of the general government, which, it was justly apprehended, might be committed on this immense estate. No one can read the history of that time and these documents, and not be convinced, that such was their AIM; and if it *was*, and if it was so *understood* by all the parties, THAT IS ENOUGH.

As all the states, in their UNITED capacity, had fought the battles of the revolution, and as one of the great advantages of independence *acquired*, would be the possession of the wealth of the public lands, it was only fair, that the states should be interested in these lands, "according to their usual respective proportions in the general charge and expenditure." After long delays and with

great difficulty, this question was finally and equitably adjusted, and the general government was made the TRUSTEE of the public domain, *for and in behalf* of the parties, proprietors, that is the STATES, as shown. But both the nation and the states were left under the burden of heavy debts at the close of the war. In 1790, with a population of about 3,000,000, and a gross national revenue of only $2,382,617, the debts of the states were over $20,000,000, and those of the United States, $56,000,000. (See house document No. 296, 3d session, 27th Congress, page 470.) As the general government had in charge the public lands, the property of the states, *as security*, it was required by the states, that the United States should assume the state debts, chiefly incurred by the war, which was done in 1790, as follows: For New Hampshire, $300,000; for Massachusetts, $4,000,000; for Rhode Island, $200,000; for Connecticut, $1,600,000; for New York, $1,200,000; for New Jersey, $800,000; for Pennsylvania, $2,200,000; for Delaware, $200,000; for Maryland, $800,000; for Virginia, $3,500,000; for North Carolina, $2,400,000; for South Carolina, $4,000,000; for Georgia, $300,000. (See document as above.)

To show the *grounds* of this assumption, and the *consideration* held in charge therefor, it is only necessary to cite the 22d section of the ACT, as follows: "*And be it further enacted*, That *the proceeds of the sales*, which shall be made of lands in the western territory, *now belonging*, *or that may hereafter belong*, *to the United States*, shall be, and are hereby, appropriated toward sinking or discharging the debts, for the payment whereof the United States now are, or by virtue of this act, may be, holden, and shall be applied *solely* to that use, *until the said debts shall be fully satisfied*."

Here is a distinct recognition of the "TRUST," and a willing discharge of its obligations, *out of its avails*, or holding its avails in *mortgage*. As this debt could not be immediately paid, but must be necessarily funded, the transaction was in effect and simply a *loan* of the credit of the United States to the states, for their relief, the former holding the property of the latter as *security*, and being at the same time the trustee and agent of that property. It is called *assumption*. But so far from being a *gratuitous* assumption, it was a fair commercial transaction—a bargain *to pay*, for a valuable consideration—in this case, a *full and safe* consideration. The gratuity was rather from the states to the United States, in

consenting to mortgage their property, to pay debts which had been contracted for the party that was made the agent and trustee of the public domain, if, indeed, it is proper to *erect* two such parties in the case. But, in many important respects, regarding public policy, the states are *merged* in the United States, as parts of a whole, and the interests of the former can not be easily separated from those of the latter, nor those of the latter from those of the former. The states were magnanimous, and consulted the general welfare, in putting the public domain in charge of the UNITED States, when the country was in need; and for these reasons of a generous and noble character, they were and *are* entitled to equally generous, certainly to *fair* treatment from the other side.

The articles of confederation proved totally inadequate for the necessities of the country, especially in regard to the power of raising revenue, which is the life of any government. With a public debt of nearly *eighty millions*, and a revenue of less than *two millions and a half*, what was to be done? It was in these straits that the reorganization of the general government was conceived, and the constitution of the United States was adopted, to get out of them. In the consummation of this great work, the states were called upon to sacrifice all their power of raising revenue by imposts, and to fall back on their internal resources and direct taxation, for all the necessities of their respective commonwealths. It was a great demand, certainly; but they generously made the sacrifice, for the general good, and deprived themselves for ever of this important, it might be called indispensable power of political sovereignties. Had they not known, that the public lands were theirs, subject only to the debts of the United States then existing, would they, *could* they, in safety and common prudence, have done this? But it *was* done—done in good faith—done for the public weal, from the most patriotic motives, and the states were left to get along as they could, till the lien of the public debt on the public lands should be worked off through the agency of the general government. Give back to the states this power of raising revenue by imposts, which was so nobly resigned by them to the United States, and Pennsylvania, with the customs of Philadelphia, and of her other entrepots, in her hand, might laugh at her debt of *forty millions*. Every indebted state of the Union could relieve itself at once, and the non-indebted states might enter on magnificent schemes of internal improvement. But what would become of the *United* States? The Union would

be dissolved, because it could not subsist without this power. The states might justly claim a *consideration* for the resignation of it; but they modestly ask only that which *was* their own, and *is* their own.

Patiently the states waited for the liquidation of the public debt, when, in 1812, while the debt was yet considerable, the nation was overtaken with the second war with Great Britain, and came out of it with a debt of $168,000,000. Though it might be a question, whether the public lands were liable for this new debt, still the states allowed the proceeds of their own property to be applied to its extinguishment, and it was not till 1836, that the first dividend was awarded in the shape of a *deposite* of surplus revenue from the national treasury, the states being held liable to treasury warrants at any time for its repayment!

It will be found by an examination of the journals of the old Congress, while the deeds of cession of the public lands from the states were going on, that the lands were not looked to as a source of revenue for the *ordinary* purposes of the government, but that the most strenuous efforts were made to mature and establish a revenue system by imposts, adequate, not only for current expenses, but to pay the interest and principal of the public debt. (See House Document 296, 3d session, 27th Congress, p. 177, and onward.) These efforts were continued, till the consummation of the plan in the adoption of the constitution, the powers of which were supposed and intended to answer this purpose. They are doubtless ample. Nothing is said, in this early history of the government—burdened as it was with debt, slender as was its revenue—of reliance on the public lands to answer the permanent necessities of the federal authorities. This negative evidence shows the true position which the public lands occupied in the public mind of that period—that they were not regarded as the property of the nation, and could never be legitimately relied upon for the ordinary purposes of federal revenue.

General Jackson, in his first message to Congress, 1829, after alluding to the different opinions on internal improvement by th general government, but acknowledging its importance, says:—

"To avoid these evils, it appears to me, that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several states, according to their ratio of representation."

In his annual message of 1830, speaking of internal improvement, and of distributing surplus funds among the states for that object, he says:—

"That the plan under consideration would derive important advantages from its certainty, and that the moneys set apart for these purposes would be more judiciously applied, and economically expended, under the direction of the state legislatures, in which every part of each state is immediately represented, can not, I think, be doubted." Again: "Each state would receive its quota of the national revenue from a fixed principle, *as a matter of* RIGHT, *and from a fund to which it had itself contributed its fair proportion.*"

In the message of December, 1832, he says:—

"Among the interests which merit the consideration of Congress, after the payment of the public debt, one of the most important, in my view, is that of the *public lands.* Previous to the formation of our present constitution, it was recommended by Congress, that a portion of the waste land *owned* by the states, should be ceded to the United States, *for the purposes of general harmony, and as a fund to meet the expenses of the war.* The recommendation was adopted, and at different periods of time, the states of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil *for the uses for which they had been asked. As the lands may now be considered as relieved from this* PLEDGE, *the object for which they were ceded having been accomplished,* it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people. . . . . It seems to me to be our true policy, that the public lands shall cease, as soon as practicable, to be a source of revenue."

General Jackson has evidently hit the main and most important *historical* points in the above cited passages, although he may have avoided the conclusion to which they tend. Inadvertently, or otherwise, he has, with equal simplicity and truth, recognised the facts, that these lands were "*owned* by the states," when the cession was proposed by the United States; that the *object* of the recommendation was "for general harmony, and as a fund to meet the expenses of the war;" that the cessions were made "for the uses for which they had been asked;" that a time had arrived, when these lands were "relieved from the pledge" of cession, "the object for which they were ceded having been *accomplished;*" that the states would receive their respective "quotas of national revenue, *as a matter of* RIGHT," &c. It was difficult to go into

this subject historically, and not bring out the truth—difficult not to have some sound reflections upon it, if it were touched at all.

The tables in the NOTE,* exhibit, in a bird's-eye view, certain contingent operations and results of Mr. Clay's public land policy, of an instructive and practical character. The introduction to the ables exhibits the quantity of unsold lands in 1843, from an official statement, being 1,042,731,765 acres, which, at the price fixed by law, would amount to $1,303,414,706. Table 1 exhibits the prospective, not present, value of the public domain, apportioned to the states and territories, on the basis of federal representation. The aggregate value will of course be permanently

* The public lands unsold on the 31st of October, 1843, as certified by the commissioner of the general land office (see house document 296, 3d session, 27th Congress), were 1,042,731,765 acres, which, at the minimum price fixed by law, would amount to $1,303,414,706; or one billion, three hundred and three millions, four hundred and fourteen thousand, seven hundred and six dollars. The prospective value, at this price, apportioned to the several states and territories, according to their federal representation, is exhibited in the following table:—

(1.)

Maine will be entitled to	$42,045,635	Kentucky	$56,060,847
New Hampshire	28,030,423	Tennessee	60,732,584
Massachusetts	56,060,847	Ohio	107,449,957
Rhode Island	18,686,949	Louisiana	28,030,423
Connecticut	28,030,423	Indiana	56,060,847
Vermont	28,030,423	Mississippi	28,030,423
New York	168,182,542	Illinois	42,045,635
New Jersey	32,702,161	Alabama	42,045,635
Pennsylvania	121,465,169	Missouri	32,702,161
Delaware	14,015,211	Arkansas	14,015,211
Maryland	37,373,898	Michigan	23,358,686
Virginia	79,419,534	Florida	4,671,737
North Carolina	51,389,110	Wisconsin Territory	4,671,737
South Carolina	42,045,635	Iowa "	4,671,737
Georgia	46,717,372	District of Columbia	4,671,737

(2.)

The following table is from the National Intelligencer, September 24, 1844, showing the number of acres of the public lands now subject to private entry, to the proceeds of which, when sold, each state and territory would be entitled, according to the principles of the distribution law of 1841:—

Maine	*Acres* 3,945,258	Alabama	*Acres* 5,557,372
New Hampshire	2,237,204	Mississippi	3,499,571
Massachusetts	5,800,023	Louisiana	3,541,002
Rhode Island	855,648	Tennessee	5,943,801
Connecticut	2,437,386	Kentucky	5,558,068
Vermont	2,295,393	Ohio	12,031,512
New York	19,096,907	Indiana	5,852,488
New Jersey	2,932,931	Illinois	5,442,867
Pennsylvania	13,554,675	Missouri	4,883,631
Delaware	605,745	Arkansas	2,504,472
Maryland	3,413,224	Michigan	3,118,878
Virginia	8,335,639	Florida	347,437
North Carolina	5,150,541	Wisconsin Territory	243,268
South Carolina	3,644,840	Iowa "	338,914
Georgia	4,552,393	District of Columbia	328,912

uniform under a given policy; but the comparative interest of the states will always correspond with the federal representation, as determined by every new census. The main purpose of this table is to demonstrate the joint inheritance of the whole family of states in parts, as it lies in abeyance to them, under a given comparative population, and to show what it is likely to yield under the system of policy proposed by Mr. Clay. It may be less or more in its actual productiveness, according as this great estate may be well or ill administered, and according as the country shall prosper. It is manifestly the richest inheritance that a nation was ever born to.

(3.)

The following table, transmitted to the senate, in 1839, by the secretary of the treasury, exhibits the proportion of the net proceeds of the sale of the public lands, which each state would have received, up to and including the 30th of September, 1838, under the bill of 1833, entitled, "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain states;" the expenses incident to the sale of the lands, and the amount of the two, three, and five per cent. funds, accruing to the several states under compacts entered into with them on their admission into the Union, being first deducted:—

	Twelve and a half per ct. on the net proceeds.	Total amount of the net proceeds
Ohio	$554,182	$4,557,932
Indiana	1,182,404	2,646,744
Illinois	1,126,724	1,797,554
Missouri	559,793	1,116,530
Alabama	845,334	1,965,934
Mississippi	1,201,198	1,672,294
Louisiana	248,319	982,149
Michigan	401,016	443,196
Arkansas	96,818	134,905
Maine		1,705,206
New Hampshire		1,149,714
Massachusetts		2,605,734
Rhode Island		414,897
Connecticut		1,270,683
Vermont		1,198,058
New York		8,190,102
New Jersey		1,365,691
Pennsylvania		5,754,697
Delaware		322,003
Maryland		1,732,475
Virginia		4,369,167
North Carolina		2,730,979
South Carolina		1,942,432
Georgia		1,834,794
Tennessee		2,669,148
Kentucky		2,654,502
	$6,215,788	$57,227,520

Twelve and a half per cent. on the net proceeds to the states in which the public lands are situated	$6,215,788
Net proceeds that would have been divided among all the states	51,011,732
Total	$57,227,520

The political problem to be solved, is, whether it shall be squandered by the profligacy of demagogues, and scattered to the winds of heaven, without yielding anything to the rightful heirs; or whether it shall be faithfully administered for the benefit of the members of the family?

Table 2 exhibits a territorial division and hypothetical distribution of that part of the public domain, lying within the constituted states and territories, which has been actually surveyed and booked in the public land offices, is exposed for sale, and the avails of which, when sold, would have fallen to the states and territories, in the respective proportions there represented, under the operation of the land bill of 1841, if it had not been quashed by Mr. Tyler's veto of the first tariff bill of 1842.

Table 3 is an official report of great interest, as it shows, with minute accuracy, from the actual income of the public land office, what each state would have been entitled to, under the operation of Mr. Clay's land bill of 1833, which was pocketed and strangled by General Jackson.

The National Intelligencer, of September 24, 1844, from which table number 2 is taken, exhibits a variety of statistical displays, enlarging the bounds, and multiplying the details of information on this subject, well worthy of attention. The calculations are extended from states to counties, and from counties to individual persons. For example, the benefit of Mr. Clay's bill of 1833, to every free white male of 20 years old and upward, in the state of Pennsylvania, for the term of six years, would have been *nineteen dollars;* and in the state of Maryland, *twenty-four dollars.* What was lost to each state, in two years, by Mr. Tyler's veto of 1842, is also presented. But, for the purposes of this work, the author has thought, that the tables in the note are sufficient, and that the radiations of light beaming out from these three points, may be more effective than multiplied statements, which tend to confusion, as out of these materials, every one, by a little pains, can find such details as he may want; and they who do not want them, would only be embarrassed, if they were given.

Some practical reflections of great interest and moment belong to this place. It is evident, that, if Mr. Clay's land policy had been adopted, the credit of the states would never have suffered; and that, if it should now be adopted, the credit of the states would be instantly revived: first, because the inheritance thus settled on

the members of the family, is ample for any necessary credit; and next, because it would show to the world, that the head of this family is kind to the members, and disposed to respect their claims to this inheritance. Nothing else is required for the instantaneous, full, and complete restoration of the credit of the states, and the honor of the country. Capitalists do not want the money; it is their interest and business to loan it; they only want to know that it is safe, and that they can depend on the regular payment of interest. It is therefore equally evident—a necessary deduction—that, on the rejection of Mr. Clay's public land policy, rests all the responsibility of the loss of credit to the states, of repudiation, and of all the public calamities, and public dishonor, which have resulted from such a state of things. Doubtless, there have been collateral and kindred causes, which, in the proper place, will deserve attention. But this cause alone was adequate to the comprehensive and disastrous result. In the absence of this cause, or in the prevalence of Mr. Clay's policy, such a result could never have transpired.

Since the official statement of the debts of the states, exhibited below,* was communicated to Congress, some of them have been more correctly ascertained, some have been augmented, and some diminished; but the common estimate of the aggregate is still about *two hundred millions of dollars.* These debts were contracted chiefly for internal improvements, undertaken when the credit of the country, and of the states, was good, under a system of encouragement—rather a fit, for it did not last long—held out by the administration of General Jackson, arising partly from an order to loan the public deposites, and partly from an understanding that the general government would favor a policy for the distribution of the surplus funds of the national treasury

* DEBTS OF THE STATES.

The following table of state debts, is from a report of the secretary of the treasury to Congress, 1842, compiled from official returns he had been instructed to invite:—

Maine (indebted)	$1,734,861	Florida	$4,000,000
Massachusetts	5,424,137	Tennessee	3,189,166
Pennsylvania	36,336,044	Kentucky	3,085,500
New York	21,797,267	Michigan	5,611,000
Maryland	15,214,761	Ohio	10,924,123
Virginia	6,994,307	Indiana	12,751,000
South Carolina	5,691,234	Illinois	13,527,292
Georgia	1,309,750	Missouri	842,261
Alabama	15,400,060	District of Columbia	1,316,030
Louisiana	23,985,000		
Mississippi	7,000,000	To these may be added—	
Arkansas	2,670,000	North Carolina	1,050,000

among the states. Many of these improvements are a full *quid pro quo* for the debts. Those of New York are sufficiently valuable for a liquidation of the costs; those of Pennsylvania, properly managed, will pay part of the interest, and the benefit to the state will more than make up the complement of interest, so that, under a proper administration, they ought to be regarded as good stock. The state stocks of Ohio are undoubtedly good; those of Maryland, in the prospect of completing the canal to Cumberland, will also be good. There are few of the states, if any, which could not preserve the credit of their stocks with tolerable ease, apart from the baleful influence of party politics, which too often, almost universally, make a hobby of a financial policy, and keep public credit in a state of constant fluctuation.

The adoption of Mr. Clay's land policy, as a permanent system, would rescue and shield the states from these hazards. By that the public domain would be pledged for the state debts, the quota of each state for its own debts severally so long and so far as there should be any; or such a pledge might be made a condition of distribution. It would at least be naturally adopted as the policy of each state, if such a condition should be deemed inconsistent with sovereignty. The public lands, worth a *billion* of money, are an abundant security for *two hundred millions*. The history of the Commonwealth Bank of Kentucky, the credit of which rested chiefly on the public lands of the states, shows that such a basis can not easily be shaken. Not that lands are a proper foundation for banking. The operation and result in Kentucky, prove that they are not. But they are a firm basis of credit, and it was that alone, apparently, which saved the Commonwealth Bank of Kentucky from a total wreck, and enabled it to wind up with a paper nearly or quite at par, though it had been depressed some fifty per ent. by a panic.

The evidence given in this chapter of the judicial right of the states to the avails of the public lands, must be left to speak for itself. That they were never designed for the ordinary purposes of national revenue, seems to be admitted on all sides. Such is the undoubted import of the passages before cited from General Jackson's messages, and he appears to have been in favor of distribution. Mr. Van Buren also, in 1826, expressed himself in favor of distribution: "He believed if these lands were disposed of at once to the SEVERAL states, it would be satisfactory to all." In his letter to Sherrod Williams, 1836, notwithstanding he affected

opposition to a *specific* plan of distribution, he said: "I need only observe, that I regard the public domain as a TRUST fund, belonging to ALL the states, to be disposed of for their common benefit." This expression is part of a quotation from a former letter to his constituents in the state of New York, without repudiation in this place—of course with sanction by its iteration. These authorities ought reasonably to have weight with all the supporters of these two men while at the head of the government. The *principle* of distribution seems to have been clearly advocated by them, and the first act of distribution was passed in the last year of General Jackson's administration, and sanctioned by his official signature.

The difficulty on this subject between the two great parties of the country, seems to have been in their antagonistical views regarding the protective policy. The advocates of free trade go for depriving the states of the proceeds of the public lands, because, while flowing into the national treasury, and employed for federal objects, they constitute a considerable fraction of the federal expenditures, and consequently relieve a revenue tariff so far as it is protective, and diminish the amount of protection. Admitting that the advocates of free trade are right in their theory, they are unjust in practice, when, to accomplish their end, they deprive the states of their right to the proceeds of the public lands. They want these proceeds for federal purposes, in order to reduce and keep down a protective tariff; whereas, their opponents not only assert the right of the states to these proceeds, but they maintain the right of the people to that amount of protection, which alone would raise a sufficient revenue for the ordinary purposes of the general government. There can be no question as to the right of the states to the proceeds of the lands; and admitting that the object of the free trade party is legitimate, it can not be right to do a wrong, to accomplish that object. But there is a question as to the justice of the free-trade system, and its opponents believe it is unjust in its operations on the people of the country—that the people are entitled to protection. If this difficulty were out of the way, there would be no controversy about the public lands. It all turns on the discordant views about a protective policy. One party will not consent to distribution, although it is proved to be a right, because it tends to increase protection. The other party claim distribution as a right, and protection as a right.

CHAPTER XXI.

POLITICAL CHARACTER OF MR. CLAY'S TIMES.—Mr. Clay a Jeffersonian Democrat.—Democratic and Regal Power of the Constitution.—Influence of Names in Politics.—The Government of the United States a Democracy.—Who are the True Democrats.—The effect of the Alien and Sedition Laws in rousing the Democracy.—Mr. Clay's Claims to Democracy.—His Denial of Democracy to his Opponents.—Jefferson not the Father of Democracy.—Democracy the Genius of the American People.—Reign of Democracy from Jefferson to J. Q. Adams, inclusive.—Regal Power rose with General Jackson.—Mr. Clay's Great Struggles against Regal Power, and for the Defence of Democracy.

MR. CLAY opened his political career in the ascendency of the star of Thomas Jefferson, and was a Jeffersonian DEMOCRAT; and the most remarkable feature of the political character of the times in which he has lived, has been a STRUGGLE between the democratic and regal powers of the constitution. That there are two such elements in the constitution of the United States, it is not supposed there can be any question. But to avoid misapprehension, it is here stated, that, by the democratic power of the constitution, is meant popular influence, and by the regal power, executive influence. The measure of the former is that amount of influence which the constitution intended should be wielded by the legislative branch of the government, as the immediate and direct representative of the people, speaking and acting in their behalf; and the measure of the latter is that power which the constitution has given to the president.

AS NAMES in politics are SUBSTANTIVE POWERS, in their social and moral influence, it is of no small importance that they should be properly applied. The question has been often mooted, and among grammarians will probably be always debatable, whether the government of the United States is a DEMOCRACY? With those who choose to make it a question, it should be regarded as merely a GRAMMATICAL one; but for the practical objects of politicians and statesmen, the gravity of the issues depending, requires, that they should take far higher ground, and not hold this question

in debate for a moment. If it be allowed—as doubtless it will be—that the design of the framers of the federal and of the state constitutions, was, that the will of the people should prevail; and if it be an admitted principle, that all the powers of government originate with the people, and revert to them in the provisions of fundamental law; then the government of the United States, and of the states respectively, is a DEMOCRACY, in the most common, and in the historical, sense of the term. For all practical purposes, this question can not profitably be extended further, than to arrive at the distinction between monarchy and democracy—between a government, which in its origin and structure, is *independent* of the people, and one which is *dependent* upon them. That being settled, it is also determined, whether any particular government be democratic or not. The government of the United States, by this rule, is a DEMOCRACY. Notwithstanding, it is not the less true, that there is a regal power in the constitution, than that there is a democratic power. Regal power is essential to all governments wielded by a head, or chief magistrate. In other words, the proposition is a mere truism.

The rise, progress, and triumph of Jeffersonian democracy, derived its impulse and vitality immediately from the alien and sedition laws of 1799; though the democratic feeling, which started so suddenly into powerful activity, and so soon wielded an energetic sway over the mind of the country, was pre-existent, and only waited to be invoked. It is the prevalent feeling of the American people, and always has been, since the achievement of their independence. It is even older than that, and was the parent of independence.

A charitable view of the designs of the alien and sedition laws, founded on the history which suggested and prompted them, would probably allow, that they were misinterpreted by opponents. But they were alarming, and in the hands of worse men than those who originated and enacted them, might have proved destructive of freedom. The design of the government of the United States was not to bestow dangerous powers, and these were of that class. The feeling of the country took alarm; they were denounced; Thomas Jefferson was at the head of the opposition; and Henry Clay, in the west, then a youth of twenty-two or three, rose on the tide, and spread his sails to the breeze, for the first time, on the ocean of political strife, except, perhaps, he had commenced his labors in the cause of emancipation for the prospective revision of

the constitution of Kentucky. But he thundered forth, in eloquent and indignant tones, his denunciations of the alien and sedition laws, and was the leading democrat of the west, in that sudden and energetic popular movement, which ushered in the administration of Thomas Jefferson.

From that day to this, it will be found, not only that Mr. Clay has been a democrat of the same school, but that he has claimed it for himself. In a speech delivered at Lexington, May 16, 1829, after Mr. Clay's retirement from the department of state, under Mr. Adams, he says: "In a republic all power and authority, and all public offices and honors, emanate from the people, and are exercised and held for their benefit. In a monarchy, all power and authority, all offices and honors, proceed from the monarch. His interests, his caprices, and his passions, influence and control the destinies of the kingdom. In a republic, the people are everything, and a particular individual nothing. In a monarchy, the monarch is everything, and the people nothing."

While the sub-treasury bill was under debate in the senate, Mr. Calhoun cast some reflection on Mr. Clay, as having on his side members of the *federal* party.

"Sir," said Mr. Clay, addressing the president of that body, "I am ready to go into an examination with the honorable senator at any time, and then we shall see if there be not more members of that same old federal party among those whom the senator has recently joined, than on our side of the house. *The plain truth is, that it is the old federal party with whom he is now acting.* For all the former grounds of difference, which distinguished that party, and were the subjects of contention between them and the republicans, *have ceased*, from lapse of time and change of circumstances, *with the exception of* ONE, *and that is the maintenance and increase of executive power. This* was a *leading* policy of the federal party. *A strong, powerful, and energetic executive, was its favorite tenet.* . . . I can tell the gentleman, that he will find the *true old democratic party*, who were for *resisting* the encroachments of power, and *limiting* executive patronage, *on* OUR *side of the senate*, and not with his new allies, *the Jackson-Van Buren* democratic party, whose leading principle is to *sustain* the executive, and *deny* all power to the legislature, and which does not hold a *solitary principle* in common with the republican party of 1798."

In a speech delivered in Hanover county, Virginia, June 27, 1840, on the state of the country, speaking of the enormous increase of executive power, Mr. Clay says:—

"And yet the partisans of this tremendous executive power ar-

rogate to themselves the name of *democrats*, and bestow upon us, who are opposed to it, the denomination of federalists! In the senate of the United States, there are five gentlemen who were members of the federal party, and four of them have been suddenly transformed into democrats, and are now warm supporters of this administration, while I, who had exerted the utmost of my humble abilities to arouse the nation to a vindication of its insulted honor, and its violated rights, and to the vigorous prosecution of the war against Great Britain, to which they were violently opposed, find myself, by a sort of magical influence, converted into a federalist! The only American citizen that I ever met with, who was an avowed monarchist, was a supporter of the administration of General Jackson; and he acknowledged to me, that his motive was to bring about the system of monarchy, which his judgment preferred. * * * * * * *

"What are the positions of the two great parties of the present day? Modern democracy has reduced the federal theory of a strong and energetic executive to practical operation. It has turned from the people, the natural ally of *genuine* democracy, to the executive, and, instead of vigilance, jealousy, and distrust, has given to that department all its confidence, and made to it a virtually surrender of all the powers of government. The recognised maxim of royal infallibility is transplanted from the British monarchy into modern American democracy, and the president can do no wrong! This new school adopts, modifies, changes, renounces, renews, opinions at the pleasure of the executive. Is the bank of the United States a useful and valuable institution? Yes, unanimously pronounces the democratic legislature of Pennsylvania. The president vetoes it as a pernicious and dangerous establishment. The democratic majority in the same legislature pronounce it to be pernicious and dangerous. The democratic majority of the house of representatives of the United States, declare the deposites of the public money in the bank of the United States to be safe. The president says they are unsafe, and removes them. The democracy say they are unsafe, and approve the removal. The president says that a scheme of a sub-treasury is revolutionary and disorganizing. The democracy say it is revolutionary and disorganizing. The president says it is wise and salutary. The democracy say it is wise and salutary.

"The whigs of 1840 stand where the republicans of 1798 stood, and where the whigs of the revolution were, battling for liberty, for the people, for free institutions, against power, against corruption, against executive encroachments, against monarchy.

"They [our opponents] count upon success by the use of two words, democracy and federalism—democracy, which, in violation of all truth, they appropriate to themselves, and federalism, which, in violation of all justice, they apply to us."

In a speech at Nashville, Tennessee, August 17, 1840, Mr. Clay said :—

"The party in power profess to be democrats *par excellence!* Among all their usurpations, he knew of none more absurd than the usurpation of this name. He professed himself to be a true democrat. He learned his democracy in the school of '98 and '99. It was very different, he confessed, from the democracy taught now-a-days, in high places. It did not say, in the language of the motto upon the Bedford county banner, which he just read, 'The people expect too much from the government;' 'Let the government take care of itself, and the people of themselves.' No! the democracy that he had learned was the reverse of this language of the present democratic president. But the new democracy does not stop here. It asks for allegiance to the powers that be. The democracy of Jefferson asked a candidate for office if he was capable, and honest, and would support the constitution? But the new democracy asks very different questions. It asks, how many votes can you bring to the polls? What's your influence? Are you boisterous partisans? It also holds out inducements, or bribes, which Jefferson's democracy did not. It says, if you labor in my cause, and the people reject you, I will take care that your reward shall be certain. He instanced the appointment of Mr. Grundy, and then referred to the appointment of John M. Niles, as postmaster-general, who, not four months previous, was rejected by the people by four thousand five hundred votes. To be thus beaten, was a sure passport to an executive office. * * * Mr. Clay said he claimed to be a democrat in the TRUE sense of the word—a democrat ready to stand by or die for his country."

In a speech in the senate, January 28, 1841, Mr. Clay said :—

"Why, sir, the amount of the whole of it is, that the gentlemen, calling themselves, most erroneously, the democratic party, have administered the government so badly, that they have lost all credit and confidence at home and abroad, and because the people of the United States have refused to trust them any longer, and foreign bankers will not trust them either, they utter a whining cry that their recent signal defeat has been the work of foreign influence! Democratic party! They have not the slightest pretension to this denomination. They have run it down. But, thank God, true democracy and true democrats have not been run down."

In his speech at Lexington, June 6, 1842, he said: "In all of these examples, the *democratic* party, as it calls itself—a denomination to which I respectfully think it has not the least just pretension," &c.

"The political opponents of the party to which I belong—*dem·*

ocrats, as they most undeservedly call themselves," said Mr. Clay to Mr. Mendenhall, October 1, 1842.

Though these citations convey many more thoughts than that for which they are adduced, partly in anticipation of the main design of this chapter, they will doubtless be regarded as sufficient to prove Mr. Clay's habit of claiming for himself the title of a DEMOCRAT of the old Jeffersonian school, and of denying the right of his political opponents to this name. Because it has been thus stolen and misapplied, as the sacred name of Christian often is, for the sake of appearing under a false garb, the better to impose on the world, those to whom it properly belongs, have, to a great extent, and very unwisely, eschewed it, and thereby lost the influence which it always carries, and must carry, with it. Democracy is the TALISMAN that governs the world, and will govern it. It would be equally wise for sincere Christians to give up their name to false pretenders. The fate of the country is sealed up in this SINGLE word, and there is no escape from its influence. It is dear to the native born of the land, and every immigrant comes here for the sake of DEMOCRACY. DEMOCRACY, all the world over, is the proud name of the people's sovereignty; and so it is DESTINED to be. Who can desire, that the exultant feeling—"WE are LORDS and KINGS, and there is no lord, no king, above us, HIM that made us only excepted"—should be uprooted from its deep hold in the mind of American freemen? And DEMOCRACY is the only universal symbol of that sentiment.

There may be many who would take exception to the character of Thomas Jefferson as a man, and in the social relations, who must, nevertheless, acknowledge, that the school of democracy, of which he was the reputed father—but very erroneously—was the spontaneous growth of the American mind. It was a mere accident, that Jefferson was the leader at a time when it rose in the ascendant. He did not produce it, but was only an exponent—an accredited or received interpreter. It started into an imposing development, to arrest executive pretensions, and to assert popular rights believed to be in danger; and it will be found, that these are the rights which Mr. Clay has been advocating, vindicating, and defending, all his life, more especially the latter part of it, against executive encroachment and usurpation; in other words, that he has been the defender of democratic power against unauthorized regal pretensions. That, as a statesman, he has extended his sphere far beyond this specific function, and comprehended all

the great interests of the country, as well as of humanity the world over, other parts of this work will sufficiently evince; but, if the liberties of the people of the United States should be preserved, and handed down to future generations, there will not be wanting evidence of their obligations to him who breasted the fierce assaults of executive power on the rights of the representatives of the people, and who, although he could not save the constitution from violation, shielded it from destruction.

The alien and sedition law movement met with its fate, as soon as it made its appearance. There was nothing in the administration to sustain it. The indignant voice of the nation changed the whole current of affairs, the moment it had time for utterance. The reaction was powerful and protracted, not perhaps without its attendant evils, as in all such cases of popular fermentation. It gave more influence to the reputed leader, than he was fairly entitled to; and but for his good sense—and it may be supposed patriotism—he might have done mischief. Even as it was, some thought that mischief was mixed up with his usefulness, and in part neutralized it. While president of the United States, he was able to carry almost everything he proposed—a dangerous power in the chief magistrate of a republic—and some of the measures he did carry, are at least doubtful as to their effectiveness for good. The great majority of the people, however, continued their confidence in him, bore patiently the burdens of the time, till the nation glided quietly into the Madisonian era of twenty years duration, including the administrations of Monroe and J. Q. Adams. With the exception of the war with Great Britain, this was a quiet era. Each department of the government occupied its appropriate sphere. There was no collision—no complaint—worthy of remark. Jeffersonian democracy was supposed to be the ruling spirit of this time, and doubtless was. Merging the Madisonian into the Jeffersonian era, both included a period of twenty-eight years, during which time, no disposition was manifested in the executive branch of the government, to encroach on the democratic powers of the constitution.

But the commencement of General Jackson's administration was the opening of a NEW era, entirely different from anything that had been known in the history of the country. The MANNER in which he gained his ascendency, as disclosed in another part of this work, will be judged of by impartial posterity, and the materials of that judgment are perhaps even now tolerably suffi-

cient. He came with a rush—with the violence of a tornado—on the popular mind of the country, and took it by storm. The ground of his popularity was the alleged deprivation of his rights in 1825. The judgment of the common mind was surrendered, and absorbed in his will. The instance of the surrender of the Tammany Society, on the protective policy, which they espoused so boldly, and advocated so stoutly, in 1819, as shown in another chapter, is a remarkable case in point. It was in the hands of President Jackson, that the regal power of the constitution marched into the halls of Congress, and by interference with legislation, initiating laws, dismissing official incumbents, and forcing others upon the senate, wresting the public purse from the custody of Congress and taking it into his own, and sending back bills passed by the representatives of the people with his veto upon them, virtually took possession of the democratic platform erected there by the same instrument. That was, and is ever, the PEOPLE'S ground. That was set up for the defence of their liberties. That is the DEMOCRATIC power of the constitution, as opposed to the REGAL power vested in the president—the latter being ADMINISTRATIVE, and the former LEGISLATIVE—both designed to act in their own appropriate spheres, INDEPENDENT of each other. The instances in which these encroachments were made, are disclosed elsewhere. It was the task of Mr. Clay to expose, to denounce, and, as far as he could, to thwart and defeat them; and for the last twelve years of his public life, he had little else to engage his attention, and employ his powers.

Impressed with the alarming tendency of this great change in the political character of the times, while the regal power of the constitution was apparently marching to the possession of the last remnant of its democratic prerogatives—a power, in such a case, so utterly at variance with the former history of the government and the country, as well as with the obvious design of the constitution itself—Mr. Clay, before he retired from public life in 1842, brought forward in the senate three resolutions for the abridgment and restriction of this regal sway by an amendment of the federal constitution, first, in regard to the veto; next, in regard to the appointment of members of Congress to office; and lastly, to take from the president all power over the public purse, by giving the appointment of the officers of the treasury to Congress alone, by election in that body. He felt there was doubt over the prospect of accomplishing the object; but "still it was the duty of

every friend of his country to use proper efforts." Mr. Clay had been for years meditating this purpose, and had in various forms announced it publicly. He was also in favor of making the incumbent of the presidential office ineligible for a second term.

The following description of these regal pretensions, and of this regal power stretched beyond the limits of the constitution, is contained in Mr. Clay's Hanover county (Va.) speech, of June 27, 1840:—

"In my deliberate opinion, the present distressed and distracted state of the country may be traced to the single cause of the action, the encroachments, and the usurpations of the executive branch of the government. I have not time here to exhibit and to dwell upon all the instances of these, as they have occurred in succession, during the last twelve years. They have been again and again exposed, on other more fit occasions. But I have thought this a proper opportunity to point out the enormity of the pretensions, principles, and practices of that department, as they have been, from time to time, disclosed, in these late years, and to show the rapid progress which has been made in the fulfilment of the remarkable language of our illustrious countryman, that the federal executive had an awful squinting toward monarchy. * * * * *

"The late president of the United States advanced certain new and alarming pretensions for the executive department of the government, the effect of which, if established and recognised by the people, must inevitably convert it into a monarchy. The first of these, and it was a favorite principle with him, was, that the executive department should be regarded as a UNIT. By this principle of UNITY, he meant and intended, that all the executive officers of government should be bound to obey the commands and execute the orders of the president of the United States, and that they should be amenable to him, and he be responsible for them. Prior to his administration, it had been considered that they were bound to observe and obey the constitution and laws, subject only to the general superintendence of the president, and responsible by impeachment, and to the tribunals of justice, for injuries inflicted on private citizens.

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"Now, if the whole official corps, subordinate to the president of the United States, are made to know and to feel that they hold their respective offices by the tenure of conformity and obedience to his will, it is manifest, that they must look to that will, and not to the constitution and laws, as the guide of their official conduct. The weakness of human nature, the love and emoluments of office, perhaps the bread necessary to the support of their families, would make this result absolutely certain. . . . The new and monstrous pretension has been advanced, that, although the concurrence of the

senate is necessary by the constitution, to the confirmation of an appointment, the president may subsequently dismiss the person appointed, not only without communicating the grounds on which he has acted to the senate, but without any such communication to the people themselves, for whose benefit all offices are created! And so bold and daring has the executive branch of the government become, that one of its cabinet ministers, himself a subordinate officer, has contemptuously refused, to members of the house of representatives, to disclose the grounds on which he has undertaken to dismiss from office persons acting as deputy postmasters in his department!

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"To concentrate all responsibility in the president, is to annihilate all responsibility. For who ever expects to see the day arrive when a president of the United States will be impeached; or, if impeached, when he can not command more than one third of the senate to defeat the impeachment?

"But to construct the scheme of practical despotism, while all the forms of free government remained, it was necessary to take one further step. By the constitution, the president is enjoined to take care that the laws be executed. This injunction was merely intended to impose on him the duty of a general superintendence; to see that offices were filled; officers at their respective posts, in the discharge of their official functions; and that all obstructions to the enforcement of the laws were removed, and when necessary for that purpose, to call out the militia. No one ever imagined, prior to the administration of President Jackson, that a president of the United States was to occupy himself with supervising and attending to the execution of all the minute details of every one of the hosts of offices in the United States.

"Under the constitutional injunction just mentioned, the late president [General Jackson] put forward that most extraordinary pretension that the constitution and laws of the United States were to be executed *as he understood them;* and this pretension was attempted to be sustained, by an argument equally extraordinary, that the president, being a sworn officer, must carry them into effect, according to *his* sense of their meaning. The constitution and laws were to be executed, not according to their import, as handed down to us by our ancestors, as interpreted by contemporaneous expositions, as expounded by concurrent judicial decisions, as fixed by an uninterrupted course of congressional legislation, but in *that sense* in which a president of the United States happened to understand them!

"To complete this executive usurpation, one further object remained. By the constitution, the command of the army and the navy is conferred on the president. If he could unite the purse with the sword, nothing would be left to gratify the insatiable thirst

for power. In 1833 the president seized the treasury of the United States, and from that day to this, it has continued substantially under his control. The seizure was effected by the removal of one secretary of the treasury, understood to be opposed to the measure, and by the dismissal of another, who refused to violate the law of the land upon the orders of the president.

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"Do not mock us with the vain assurance of the honor and probity of a president, nor remind us of the confidence which we ought to repose in his imagined virtues. The pervading principles of our system of government—of all free government—is not merely the possibility, but the absolute certainty of infidelity and treachery, with even the highest functionary of the state; and hence all the restrictions, securities, and guarantees, which the wisdom of our ancestors or the sad experience of history had inculcated, have been devised and thrown around the chief magistrate.

"Here, friends and fellow-citizens, let us pause and contemplate this stupendous structure of executive machinery and despotism, which has been reared in our young republic. The executive branch of the government is a UNIT: throughout all its arteries and veins, there is to be but one heart, one head, one will. The number of the subordinate executive officers and dependants in the United States has been estimated, in an official report, founded on public documents, made by a senator from South Carolina [Mr. Calhoun], at one hundred thousand. Whatever it may be, all of them, wherever they are situated, are bound implicitly to obey the orders of the president. And absolute obedience to his will is secured and enforced, by the power of dismissing them, at his pleasure, from their respective places. To make this terrible power of dismission more certain and efficacious, its exercise is covered up in mysterious secrecy, without exposure, without the smallest responsibility. The constitution and laws of the United States are to be executed in the sense in which the president understands them, although that sense may be at variance with the understanding of every other man in the United States. It follows, as a necessary consequence, from the principles deduced by the president from the constitutional injunction as to the execution of the laws, that, if an act of Congress be passed, in *his opinion*, contrary to the constitution, or if a decision be pronounced by the courts, in his opinion, contrary to the constitution or the laws, that act or that decision the president is not obliged to enforce, and he could not cause it to be enforced, without a violation, as is pretended, of his official oath. * * * * * * * *

The march of power is ever onward. As times and seasons admonished, it openly and boldly, in broad day, makes its progress; or, if alarm be excited by the enormity of its pretensions, it silently and secretly, in the shades of night, steals its devious way. It

now storms and mounts the ramparts of the fortress of liberty; it now saps and undermines its foundations. Finally, the command of the army and navy being already in the president, and having acquired a perfect control over the treasury of the United States, he has consummated that frightful union of purse and sword, so long, so much, so earnestly deprecated by all true lovers of civil liberty. And our present chief magistrate stands solemnly and voluntarily pledged, in the face of the whole world, to follow in the footsteps, and to carry out the measures and the principles of his illustrious predecessor!

"The sum of the whole is, that there is but one power, one control, one will, in the state. All is concentrated in the president. He directs, orders, commands, the whole machinery of the state. Through the official agencies scattered throughout the land, and absolutely subjected to his will, he executes, according to his pleasure or caprice, the whole power of the commonwealth, which has been absorbed and engrossed by him. And one sole will predominates in, and animates the whole of this vast community. If this be not practical despotism, I am incapable of conceiving or defining it. Names are nothing. The existence or non-existence of arbitrary government does not depend upon the title or denomination bestowed on the chief of the state, but upon the quantum of power which he possesses and wields. Autocrat, sultan, emperor, dictator, king, doge, president, are all mere names, in which the power respectively possessed by them is not to be found, but is to be looked for in the constitution, or the established usages and practices of the several states which they govern and control."

On the 24th of January, 1842, Mr. Clay brought forward his resolutions for the amendment of the constitution, to suppress the excesses and prevent the growth of this regal power, and to restrict and regulate its action within safe bounds; and his remarks on this occasion were chiefly confined to the subject of the veto. The following are some of them:—

"It [the veto] was known to all to have originated in the institution of the tribunitian power in ancient Rome; that it was seized upon, and perverted to purposes of ambition, when the empire was established under Augustus; and that it had not been finally abolished until the reign of Constantine. There could be no doubt that it had been introduced from the practice under the empire, into the monarchies of Europe, in most of which, in some form, and under some modification or other, it was now to be found. But, although it existed in the national codes, the power had not, in the case of Great Britain, been exercised for a century and a half past; and, if he was correctly informed on the subject, it had, in the French monarchy, never been exercised at all. During the memorable period of the French revolution, when a new con

stitution was under consideration, this subject of the veto power had been largely discussed, and had agitated the whole country. Every one must recollect how it had been turned against the unfortunate Louis XVI., who had been held up to the ridicule of the populace, under the title of 'Monsieur Veto,' as his wife, the queen, had been called "Madame Veto;' and, although after much difficulty, the power had finally found a place in the constitution, not a solitary instance had occurred of its actual exercise. Under the colonial state of this country, the power was transplanted, from the experience which had been had of it in Europe, to the laws relating to the colonies, and that in a double form; for there was a veto of the colonial governor, and also a veto of the crown. But what was thought of this power by the inhabitants of these states, when rising to assert their freedom, might be seen in the words of the instrument in which they asserted their independence. At the head of all the grievances stated in that paper, as reasons for our separation from Great Britain, was placed the exercise of this very power of the royal veto. Speaking of the king, the declaration of independence employed this language:—

"'He has refused his assent to laws the most wholesome and necessary for the public good. He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operations, till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.'

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"While there had been no such thing in practice as an encroachment by the federal upon the state governments, there had been, within the federal government itself, a constant encroachment by the executive upon the legislative department.

"First, it attacked the treaty-making power. None could now read the language of the constitution, without at once coming to the conclusion, that the intention of the authors of that instrument was, that the senate should be consulted by the president, not merely in the ratification, but in the inception, of all treaties: that, in the commencement of the negotiations, the instructions of the ministers appointed to treat, the character and provisions of the treaty, the senate should be consulted, and should first yield its assent. And such had, in fact, been the interpretation put upon the treaty-making power, in the first and purest years of our government. Every one must recollect the early history of the exercise of the power, and the high sanction for such a usage. The first president had been wont to come to the senate, there to propose a foreign mission, and to consult with his constitutional advisers, the members of the senate, on the instructions to be given to the minister who should be sent. But this practice had since been aoandoned. The president now, without a word of consultation with the senate, on his own mere personal sense of propriety

concluded a treaty, and promised to the foreign power its ratification; and then after all this had been done, and the terms of the treaty agreed upon, he, for the first time, submitted it to the senate for ratification. Now, every one must see, that there was a great difference between rejecting what had been already actually done, and refusing to do that thing if asked beforehand. All must feel, that they often gave their official assent to what they never would have sanctioned, but for the consideration that the treaty was already concluded, and that the faith of the nation was in some sort pledged for its ratification. * * * * * *

"The next executive encroachment he should notice was that which occurred in the dismissal from office of persons appointed by and with the consent of the senate. The effect of this practice was virtually to destroy all agency and coöperation of the senate in such appointments. Of what avail was it that the senate should to-day solemnly ratify and confirm the appointment of an individual to an office under the government, when the president could to-morrow reverse the effect of their act by his mere breath? Every one knew that the power of removal had been grossly perverted. In the early days of the constitution, it had been maintained, that that power could be exercised only in case of malfeasance or misfeasance in office; and that the president who should dare to employ it for any other end, would subject himself to impeachment. But our history and experience has gone to show, that this liability to impeachment was a mere scarecrow, and that it could never have any practical effect in a popular government, constituted as ours is, and in a country politically divided as ours is ever like to be. By the free exercise of this power of removal, the senate had lost its practical influence on the whole subject of appointment to office. Instance after instance had occurred, where an individual had been dismissed by the executive, whom the senate would gladly have replaced in office, but whom they were unable to retain there, and were therefore compelled to sanction the nomination of a successor. The actual result of such a state of things was, he repeated it, that the coöperation of the senate with the president, in the matter of appointments, had been almost completely nullified for years past. * * * * * * * *

"Mr. Clay said, it was not his purpose to go into all the details of these encroachments by the executive, upon the constitutional powers and prerogatives of a single legislative branch of the government. He would now pass to its attacks on the powers of the Congress of the United States.

"And the first instance of this to which he should refer, was the creation of officers and the designation of their salaries, without the consent of Congress, or any consultation with it. Another, and a more formidable instance, was to be found in the assumption, within the last few years, of the purse of the nation. * * *

This seizure of the public deposites had yet been unprovided against; the congressional power to control them had been unresumed, and thus a state of things was permitted to continue, by which the nation was virtually placed at the feet of the executive.

"Let not gentlemen mock him, by talking about the impossibility of the president's drawing money out of the treasury, except under an appropriation by Congress. Let them not tell him of the responsibility of public officers; let them look at facts; let them look at what had actually occurred, on the removal of two or three secretaries of the treasury, in order to accomplish this very seizure of the public treasure; and then let them look at the dismissal of a countless host of subordinate officers, because they did not happen to hold the same political opinions that were held by the president. Of what avail were laws? The president had nothing to do but say to his secretary, 'Issue your warrant for such a sum of money, and direct the register and comptroller to sign it;' and if they should talk about a regard for their oaths, and boggle at obeying, 'Tell them to do what I command them, and if not, I will find men who will.' * * * There was a third instance of this encroachment; which he was authorized by facts to state, but on which he should not at this time dwell. Not only had the purse of the nation been seized; not only did it still remain in the hands of the president; but the nation had seen armies raised, by executive mandate, not only without authority or shadow of authority of law, but, as in the case of the Florida volunteers, after a law had been asked for, and positively refused. Other instances might be cited, in which a military force had been raised, without the sanction of Congress.

"The executive branch of the government was eternally in action; it was ever awake; it never slept; its action was continuous and unceasing, like the tides of some mighty river, which continued flowing and flowing on, swelling, and deepening, and widening, in its onward progress, till it swept away every impediment, and broke down and removed every frail obstacle which might be set up to impede its course. Let gentlemen look at all history, and they would find that it had ever been so. The legislative branch of government met only periodically; its power lay in its assembling and acting; the moment it adjourned, its power disappeared; it was dissipated, gone; but there stood the president at the head of the executive department, ever ready to enforce the law, and to seize upon every advantage which presented itself, for the extension and augmentation of its power.

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"Mr. Clay had taken the pains to look into the provisions of twenty-six state constitutions, in relation to this matter of the veto, and the result was highly curious and interesting. The states were in this respect divided, as equally as their number would admit, into three distinct classes. Nine of them gave to the exec-

utive the veto power, unless controlled by two thirds of the legislature. Eight other states conferred the veto, but controlled it by a second veto of a majority, as was proposed in the amendment now under consideration. While the nine remaining states had not inserted the veto at all; and at the head of these stood one which had been called the mother of states—Virginia. Now some of these state constitutions were of a date anterior to that of the constitution of the United States itself. If there had been this very great danger of executive encroachment and of hasty legislation, one would suppose it would have been heard of in these nine states. Had any instance yet occurred to show that such a danger did exist? Mr. Clay had heard of none, read of none; and he put it to the advocates of this arbitrary and monarchical power, he put it especially to democrats, who, while they professed themselves, and, he doubted not, honestly and conscientiously professed themselves friends of the people, came out in the contest between monarchical prerogative on the one hand, and civil freedom on the other, as the avowed advocates of prerogative;—he put it to all of them to tell, if such dangers both of encroachment and rashness as were pretended as a pretext for the veto did actually exist, how it happened that in the nine states he had named, during so long a period as had elapsed since their constitutions were formed, no instances had occurred, either of encroachment by the legislature on the powers of the executive, or of such rash and hasty legislation as called for the restraint and safeguard of a single sovereign will? * * * * * * *

"The senate at present consisted of fifty-two members; of that number a majority consisted of twenty-seven; two thirds amounted to thirty-six. Supposing a law to be passed by a bare majority (and in all great and contested questions bills were wont to be passed by very small majorities), then there would be in its favor twenty-seven votes. The bill was submitted to the president, and returned by him with his veto. The force of the presidential veto could not be overturned but by thirty-six votes. Here, then, the veto in the hands of the president was equal in its effect upon legislation to nine senatorial votes. Mr. Clay dismissed all considerations of influence derived from his office, all the glitter and eclat of the president's high station, and all the persuasion directed to the interests of men by his vast patronage; all this he laid out of view, and looked merely at the numerical fact, that in the senate the veto was equal to nine votes. And now in regard to the other branch. The house of representatives consisted of two hundred and forty-two members; to constitute a majority required one hundred and twenty-two; two thirds amounted to one hundred and sixty-two. By looking at this difference, it would be seen, as in the case of the senate, that the executive veto amounted in effect to forty representative votes.

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"We had had six presidents who had previously been senators. They were able and eminent men; but he wished to inquire, whether any gentleman could show that their wisdom and other distinguished qualities had been so great as to be equal to the wisdom of nine other senators? Could it be shown that their patriotism, and intelligence, and integrity, were equal to those of forty members of the house of representatives? If not, how did it happen that a man who, when in that chamber, and acting with his fellow-senators, had been considered upon a par with them, was no sooner transferred to the other end of the avenue, than his will became equal to that of nine senators and forty representatives? How, he asked, did this happen, and wherein was it just and right? Was it not sufficient, that this man, after his political apotheosis, should enjoy all the glitter, and distinction, and glory attached to his office? Was it not enough that he wielded so vast and formidable an amount of patronage, and thereby exerted an influence so potent and so extensive? Must there be superadded to all, a legislative force equal to nine senators and forty members of the house of representatives? * * * * *

"Mr. Clay had hitherto viewed the veto power simply in its numerical weight, in the aggregate votes of the two houses; but there was another and far more important point of view in which it ought to be considered. He contended, that practically, and in effect, the veto, armed with such a qualification as now accompanied it in the constitution, was neither more nor less than an absolute power. It was virtually an unqualified negative on the legislation of Congress. Not a solitary instance had yet occurred in which the veto once exerted had ever been overruled, nor was such a case likely to happen. In most questions where the veto could be exerted, there was always a considerable difference of opinion both in the country and in Congress as to the bill which had been passed. In such circumstances, when all the personal influence, the official patronage, and the reasoning which accompanied the veto, were added to the substantial weight of the veto itself, every man acquainted with human nature would be ready to admit, that if nothing could set it aside but a vote of two thirds in both houses, it might as well have been made absolute at once.

"He now approached another view of it, to which he would ask the serious and undivided attention of the senate. The veto power professed to act only while the legislature acted; then it was to terminate. Its effect was to be, to consummate legislation. The officer of government, in whose hands the constitution placed a power so formidable, was supposed in theory to remain profoundly silent as to the passage of great measures of public policy, until they were presented to him in a finished form for his approbation and sanction.

"This was the theory; but Mr. Clay contended, that really and in practice this veto power drew after it the power of initiating laws, and in its effect must ultimately amount to conferring on the executive the entire legislative power of the government. With the power to initiate and the power to consummate legislation, to give vitality and vigor to every law, or to strike it dead at his pleasure, the president must ultimate y become the ruler of the nation.

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"Did not gentlemen recollect, how often, during the administration of an eminent individual, now in private life [General Jackson], intimations had been given beforehand, that a certain bill would be vetoed, if it were passed? And did they not remember various instances, in which the threat had been fulfilled? Take the experience of the last six months. Congress have passed two bills to establish a bank of the United States—bills, in all the provisions of which neither party concurred, and which would not have had the concurrence of twenty men in either house, had their minds been left uninfluenced by the expected action of the executive. Take, as a special instance, the famous sixteenth section of one of those bills. Mr. Clay was free to declare, that he did not know a solitary man among those who voted for the bill, who would have voted for that section, but as a measure of conciliation, and in the hope that, so modified, the bill would receive the sanction of the president. True, that expectation was not realized; the sacrifice was vainly made, but it had been made with a view to that end, and that alone. And so in regard to the second of those bills. That bill, as he was informed, came to Congress, precisely as it had left the president's hand. So anxious had Congress been, to secure the approbation of the president, that, although almost everything in the bill would either have been omitted, or amended by a majority, they took it as it came from the presidential hand, and passed it, letter for letter, as they received it. Without going further, did not this fact prove, that the possession of the veto power drew after it the power of initiating laws?

"Take another case, in the bill now before the judiciary committee. Was there one man to be found, in either house of Congress, who would ever have proposed such a measure as the exchequer board provided in that bill? Yet, what had been the feeling? Had it not been this: must we go home without doing something? Had not the feeling been, we are bound by the veto power, we can not do what we would? Had not the feeling been. we must take what the executive offers, or get nothing? Yes. Already the idea was becoming familiarized to the minds of freemen, to men of only the second generation after the days of the revolution, of submitting to the dictation of the executive, because without his assent they could do nothing. Mr. Clay warned the nation, that if this veto power was not arrested, if it were not either

abolished, or at least limited and circumscribed, in process of time, and that before another such period had elapsed as had intervened since the revolution, the whole legislation of this country would come to be prepared at the White House, or in one or other of the executive departments, and would come down to Congress in the shape of bills for them to register, and pass through the forms of legislation, just as had once been done in the ancient courts of France.

"Then, to enable a nation of freemen to carry out their will, to set Congress free to speak that will, to redress the wrongs, and to supply the wants, of those that sent them, Mr. Clay again declared, that the veto power must be modified and restrained. If not, the question which Congress would have to decide would be, not what is the proper remedy for the existing grievances of the country, not what will restore the national prosperity;—no; but what measure will be sanctioned by the chief magistrate?

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"The question was the old question, whether we should have, in this country, a power tyrannical, despotic, absolute, the exercise of which must, sooner or later, produce an absolute despotism; or a free representative government, with powers clearly defined and carefully separated? That was the true question to be decided."

It can hardly be believed, that the descendants of Americans of 1776, versed in the history of the causes and events of the American revolution, will listen to the recital of the facts disclosed in the foregoing extracts, and not feel their blood coursing with accelerated speed through nature's channels, and the pulsations of their bosoms knocking loudly in the hidden recesses whence their monitions are sounded! That this recital should be forced, in the discharge of a last, high, and solemn duty, from the lips of a public servant, who had stood first and highest in the councils of the nation for nearly half a century, being about to retire to the scenes of private life—who had seen it all, and fought the battles of emocracy, in a long and painful struggle against these bold advances of regal power—imparts to it a just demand for intense and profound attention! The facts are notable, and can not be denied. They are fresh in the memory of every living man.

That the chief executive of the nation, in the discharge of his high functions, should have departed so much from the primitive simplicity of President Washington, who was accustomed to mingle his official responsibility with the coördinate authority as with compeers; that treaties with foreign powers, of the greatest moment, should be originated and made without a word of advice

with the senate of the nation, and imposed upon that body, under circumstances which allow them no voice or influence in the terms that the executive officers of the government, in all their classes, at home and abroad, should be so appointed, and so controlled by the will of the president, that "the advice and consent" of the senate, prescribed by the constitution, and which was designed to confer coördinate authority over all such public agents, should have been reduced to a mere formal nullity; that the united wisdom, the experience, and the sovereign will of the democratic branch of the government, should be obliged to consult the will of the executive for purposes of legislation, and go begging at the feet of one-man power for what the people want, and then peradventure be turned off with a veto; that the purse of the nation should be wrested from its lawful keepers, and kept out of their hands in perpetuity;—these are facts, which, to say the least, were never expected, when, in the eighteenth century, the people poured out their blood like water, in hope of freedom, and when, supposing they had acquired it, they established the government and institutions of the United States!

It will be seen, therefore, that Mr. Clay rose with democracy, when Jefferson rose; that he stood shoulder to shoulder with the democrats, himself a democrat—more commonly called republicans in the earlier periods of the republic—and fought with them under Jefferson; under Madison through the war of 1812; under Monroe, and under J. Q. Adams; that the democratic or republican era ended with the retirement of Mr. Adams; that Mr. Clay has always claimed to be a democrat; that an alarming regal power was asserted and assumed by General Jackson, and has maintained the ascendency, with but little interval; and that Mr. Clay's great efforts, since the rise of these dangerous pretensions, have been directed to limit, restrict, and suppress them, for the purpose of re-establishing the democratic power of the constitution.

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